



STOP & SEARCH IN SUFFOLK
‘A COMMUNITY LED SOLUTION?’
UK/US ROUNDTABLE AUGUST 2011

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1. Executive summary

I am the Chief Executive of the Ipswich and Suffolk Council for Racial Equality (ISCRE) ISCRE is a tiny Non Governmental Organisation based in Ipswich in Suffolk, which is a very ordinary and unsurprising county, albeit there are areas of complete beauty. It is a mix of rural and urban places with a small but significant Black and Minority Ethnic (BME) community. From the day I was appointed I had real concerns about the relationship between the Police and the black community. It was clear that Suffolk's disproportionate use of stop and search on this community was the reason for this. With the support of the community we set out to do something.

This paper aims to explain our approach as a community based civil rights group. It provides a brief history of stop and search in Britain; the legal landscape and policing structures. It talks a bit more about Suffolk and then refers to what we have done, with a focus on our community led reference group, in partnership with the police to try to effect meaningful and lasting change It ends with a summary of our challenges and successes and our very real hope for the future.

2. A brief history to Stop and Search in Britain¹

Historically in the UK changes to police policy and practice, as well as domestic race equality legislation has come about as a result of serious civic unrest. This unrest includes violent uprisings by innocent people feeling harassed, targeted, unheard and ignored. It also includes appalling racist treatment of families of victims of racially motivated murder. Only then do we see lengthy independent enquiry reports; recommendations for change; posturing amongst politicians and police leaders and legal and policy amendments. This history though of external 'imposed change' on the police service I believe has led to ambivalence within the institution to change culturally. This perhaps explains why ethnic profiling and racial inequalities persist. It also explains the high levels of mistrust in the police by black and minority ethnic communities.

The first most significant uprising in the UK against police tactics came from the use of the 'sus' laws. It is reputed that the 'sus' laws (from the word suspected) came from the 1824 Vagrancy Act, that made it illegal for 'a suspected person or reputed thief to frequent or loiter in a public place with intent to commit an arrestable offence' The police used this power excessively and eventually abused it.

During the 1970's the 'sus' law was widely believed to have become a systematic method of racist harassment of black people by the police. In London African Caribbean people accounted for 44% of those arrested under sus laws, despite comprising just 6% of the population. The Race Relations Act was passed in 1976, but the Police Service was granted an exemption from some of its provisions.

¹ Extracts from Ipswich and Suffolk Council for Racial Equality Stop & Search in Ipswich September 2008
<http://bit.ly/qgCQbL>

Reports say police raids on the notorious Black and White Café in St Pauls Bristol in 1980 sparked the most serious uprisings in Britain since before the Second World War. Similarly in Brixton in 1981 (where 25% of residents were Black and Minority Ethnic (BME)) the Metropolitan Police only arrested 118 people after stopping and searching 943 during a blitz on robberies and burglaries. The majority of those stopped were law abiding black people. In an attempt to cut street crime in Brixton, Operation Swamp used the 'sus' laws to stop more than 1,000 people in 6 days and this led to heightened tensions.

Similar disturbances took place in a raft of other English cities; the most notable being the week long uprisings in Toxteth, Liverpool July 1981 where police were forced to withdraw as 140 buildings on a one-mile stretch of road were torched and 781 officers hurt.

An enquiry report was produced, led by Lord Scarman in November 1981, which amongst many findings identified 'unwitting' unconscious' and 'unintentional' racism remained a major source of social tension and conflict. Also that racially prejudiced behaviour be made a specific offence under the Police discipline code, with offenders liable to dismissal. The sus laws were abolished and replaced with powers under the 1984 Police and Criminal Evidence Act (PACE)



The brutal racist murder of Stephen Lawrence in Greenwich London 1993 and his families campaign for fair treatment and justice (no-one has yet been convicted of his murder) led to a major enquiry led by Sir Lord McPherson, published 1999. It not only changed the legal landscape in Britain but brought a much needed focus on policing and race relations.

Stop and Search emerged in the report as a issue of concern: 'the minority communities views and perceptions are formed by their experience of all stops by the police. They do not perceive any difference between a 'stop' under the Police and Criminal Evidence Act from one under the Road Traffic Act whilst driving a vehicle. All 'stops' need to be recorded...'²

The report also recognized the concept and term 'Institutional Racism' within the Police service. This is defined as: 'Organisational structures, policies, processes and practices which result in ethnic minorities being treated unfairly and less equally, often without intention or knowledge'³

² The Stephen Lawrence Enquiry 1999 <http://bit.ly/miEFvC>

³ Commission for Racial Equality 2000

The effect of the report was an initial decline in the use of Stop and Search. This is now on the increase because of the effect of the 'war on terror' and the numbers are well over that of pre McPherson level.

The Race Relations (Amendment) Act 2000 was introduced as a direct result of the inquiry report and brought the police under strengthened UK discrimination laws.

3. The Legal Framework⁴

Police and Criminal Evidence Act 1984 (PACE)

PACE introduced the safeguards of reasonable suspicion – requiring officers to have an individual reason for why they stopped you and recording and monitoring of stops and searches. The process of recording stop and search was designed to make officers consider carefully their grounds for stopping people and provide a management tool for supervisors to identify where officers might be incorrectly using their powers and statistics for communities to hold the police to account.

The police are required to have ‘reasonable suspicion’ that the person stopped is in possession of stolen or prohibited articles. PACE Code A was amended in January 2009. Its original definition of reasonable suspicion included the sentence ‘ Reasonable suspicion can never be supported on the basis of personal factors alone without reliable or supporting intelligence or information...’ The word ‘alone’ was removed and it was made clear that a person’s race or colour can never be a reason for stopping someone, either on its own or in combination with other factors.

Road Traffic Act 1988

A person must stop when asked to do so by a constable in uniform. Section 4 PACE authorizes the police to search vehicles where there is reasonable suspicion that the vehicle is carrying a person who has committed or is about to commit an offence other than a road traffic offence. Many members of the community in Suffolk have told us their experiences of being stopped in their vehicles which they believe happens simply because they are black.

Criminal Justice Act 1991

Under Section 95 the government collects annual statistics based on race and crime. This data spans Criminal Justice agencies such as the Police, Probation and Prison services. The data includes Stop and Search, and forms are provided for police officers to complete at the point of a stop explaining the reason for the stop and the ethnicity of the person is recorded. This data is then entered onto police systems locally, which then gets captured in the Section 95 statistics.

Criminal Justice and Public Order Act 1994

Searches under section 60 of this Act differ from PACE searches as they do not require suspicion in individual cases. They can be authorized by a senior police officer based on a reasonable belief that incidents involving serious violence may take place.

Terrorism Act 2000

Section 43 requires ‘reasonable suspicion that the person is a terrorist. Section 44 allows a person to be stopped without reasonable suspicion, but only within a specific area in which this power has been authorized by a senior police officer. Searches under

⁴ Includes extracts from the Equality and Human Rights Commission Stop and Think report March 2010 <http://bit.ly/actRp8>

Section 44 were ruled unlawful by the European Court of Human Rights January 2010 as they breach Article 8 of the European Convention on Human Rights.

ISCRE's work with local Muslim communities indicates that this power has a disproportionate impact on them and is an ongoing source of concern. An EHRC report on the impact of counter terrorism measures on Muslim Communities⁵ confirms these concerns. Whilst Suffolk's Stop and Search data does not show high levels of disproportionality on the Asian population as is seen in other areas, we know they are affected locally.

Human Rights Act 1998

The power to stop and search is a deprivation of liberty and as such should be compatible with Article 5 – the right to liberty and security. The use must also be compatible with Article 8 – respect for privacy; and Article 14 non-discriminatory.

Race Relations Act 1976

This Act allowed for individual claims where there has been discrimination or harassment on the grounds of race in employment or in the provision of goods or services

Race Relations (Amendment) Act 2000 (RRAA) amended the 1976 Act and brought all public bodies (such as the Police, the Health Service, Councils etc) under its remit. It made it unlawful for these bodies to directly or indirectly discriminate against or harass people when carrying out their functions, including conducting stop and searches or arresting suspects.

The Commission for Racial Equality (CRE) had enforcement powers and was able to service legal notices of 'non discrimination' on public bodies and requires specific actions to be taken. The CRE also led on the production of guidance for public bodies on the RRAA. The RRAA also placed a duty on public bodies to positively work towards the elimination of discrimination and to promote equality of opportunity and good relations. In practice this meant taking steps to reduce inequalities such as disproportionality in stop and search. Up until 2003 – officers had the right to conduct "voluntary stops" – which in reality were never voluntary and officers were using them to avoid having to record stop and search. One of the recommendations coming out of the Stephen Lawrence report was that all stops had to be recorded.

The importance of ethnic monitoring of services was implicit in the RRAA and brought the Section 95 data into sharp focus. The RRAA introduced a statutory requirement for Equality Impact Assessments to take place on all policies processes and functions. This meant a legal duty to formally assess the impact of activities etc on people. In order to do this they had to look at data; evidence and properly consult with communities affected by the actions and services being delivered. They also had a legal duty to

⁵ ERHC Research report 72 <http://bit.ly/kfHTEx>

publish the results of their impact assessments and make them accessible and available.

The Commission for Racial Equality was abolished in 2007 and the Equality and Human Rights Commission (EHRC) was established. This brought together the CRE, the Disability Rights Commission and the Equal Opportunities Commission. The EHRC has significant enforcement powers in line with those of the CRE across equality issues. Additionally it can undertake pieces of research and enquiries in which the recommendations must be taken account of by Government. Their 'Stop and Think' report (Reference 4 previous) is an example of this.

Whilst the race equality agenda is potentially strengthened by being part of a wider movement for a discrimination free society I have concerns. I believe the UK remains uncomfortable with the concept of 'racism' and that this is particularly true in white rural places like Suffolk. Many Authorities no longer focus on race. Rather they seek Equality and Diversity specialists failing to recognise the unique history and legacy of racial inequalities in society.

The Equality Act 2010

The Equality Act (EA) reforms all UK Discrimination law in relation to race and other grounds such as gender, sexuality, age, disability, religion or belief. The provisions relating to discrimination by public authorities came into force in April 2011. The current coalition Government has undertaken 2 further 'consultations' on the EA since it came into power last year. I fear some of the progress made from the RRAA will be lost. The EA appears on a Government 'Red Tape' challenge; which tells me this Government sees Equality as a burden not a necessity.

4. The police service approach to Stop and Search in the UK

Stop and Account is where an individual is asked to 'account' for their presence in an area or for their actions but who are not searched.

Stop and Search is where an individual is stopped and searched by the police even where there is no evidence that the person has committed any offence.

GOWISELY

Forces have tried to improve the way that officers speak to people during stop and searches. Firstly by ensuring that officers provide basic information about the stop and search and why they are doing it. So most officers are taught the GOWISELY Mnemonic;

[G]rounds for the search

[O]bject of the search

[W]arrant card must be produced if in plain clothes

[I]dentify, the PC must inform the suspect of his name

[S]tation, the police station at which the constable works.

[E]ntitlement to a copy of the search record

[L]egal power being used for detention.

[Y]ou are being detained for the purpose of search . . . suspect must be told he is being detained.

Some forces have introduced satisfaction questions. So at the end of the stop and search the officers asked the following questions and gets the person to sign to confirm their answers.

"Thinking about the experience of being stopped by your local police on this occasion, which of the following do you agree with:

Q1. I understand the reason I was stopped ? Yes/No

Q2. During the stop, I was treated professionally, respectfully and with dignity?
Yes/No

Please sign."

Introducing the questions on the stop form means that the officer is aware that they will have to ask the quality questions, creating a focus on more professional conduct. The question also seeks to empower the public, and reinforce the notion of policing as a public service. It also provides supervisors with further means to monitor their officers' stops, including both no answers and whether this part of the form is left blank or not signed indicating that they didn't ask the question.

5. Police structures in the UK

The *Police Service* in the UK is managed by senior paid staff. There are 43 police forces in England and Wales that are based on a county level. Police officers hold a unique status right through the ranks and are deemed 'Office holders to the crown'. This means that they are not 'employees' in the true legal sense however the majority of employment law does apply to them. Because of this unique status, despite some change, the normal rules of managing performance and discipline do not easily apply. Police officers facing discipline have an automatic right to legal representation, and their union, the Police Federation, is very powerful. In London the most senior paid officer is called a Commissioner, and they will be supported by Assistant Commissioners. In smaller forces like Suffolk they are called Chief Constables and are supported by Deputy and Assistant Chief Constables. In Suffolk there is no BME officer at a senior level.

Police Authorities (PA) in each county area were established to hold police services to account in 1964⁶, and included Members from Local Councils and Magistrates at that time. This was in reality a very political structure and therefore not independent. In 1994⁷ the composition was changed to allow independent members to join, who would be people from the local community. They have up to 17 members and are responsible for the performance of the police service reviewing and monitoring areas such as Stop and Search. Their scrutiny however is largely focused on looking at data, provided to them in publically available reports and they are in the main unrepresentative of the communities. The PA are represented on Suffolk's community led reference group.

Independent Advisory Groups (IAG) were set up in 1999 as a direct result of the recommendations within the Stephen Lawrence Inquiry report. They are a board of unpaid community volunteers, who offer impartial advice to the Police and Police Authority on policing issues. Despite the apparent independence the IAG is facilitated by the Police Authority and the Police can choose to involve them or not in key policing issues. Suffolk's community led reference group has a representative from IAG on it.

⁶ Police Act 1964

⁷ Police and Magistrates Court Act 1994

6. SUFFOLK



Suffolk is a largely rural county in East Anglia. The largest town is Ipswich with a population of around 120,000. It is north east of London, with a journey time on the train of around 70 minutes. It is separated into Districts ('run' by District Councils) which are shown in the table overleaf.

Suffolk has a long history of migration, with traditionally though relatively 'small' Black and Minority Ethnic communities. Because of the rural nature of the county and East Anglia there is a significant Gypsy and Traveller community (who by law are regarded as ethnic minorities). Also Suffolk has seen significant numbers of migrant workers from all over the world, but mainly Europe, Africa and Asia. These workers are employed in a variety of professional and unskilled roles. These range from Social Workers and Doctors, to strawberry pickers, chicken pluckers and taxi drivers. Ipswich was a 'dispersal centre' a place where refugees were housed, and many now who have their status and British citizenship have friends and family moving to be with them.

The 2001 Census estimated Suffolk's BME population at 2.8% The mid 2007 population estimates puts this at around 5%. This is an underestimate. Suffolk schools data⁸ show 10% of children in Suffolk are BME and there are over 120 native languages spoken.

Being a rural county means it is a largely 'white' county. A report in 2002 examining Rural Racism⁹ identified rural communities as 'closed' communities. By contrast I describe Suffolk as a place of 'white flight' to mean it is a place where people either retire to or move to in order to get away from urban spaces and diverse communities. It is therefore a complex mix in terms of communities.

⁸ Suffolk Schools Census Suffolk County Council January 2011

⁹ Tackling the invisible problem Jon Garland and Neil Chakraborti Scarman Centre University of Leicester <http://bit.ly/r9p4HI>

Despite its proximity to London, Suffolk's leadership (Police, Business, Public Authorities etc) generally does not relate Suffolk's issues to those experienced in 'big cities' This means that progress towards race equality is limited. I believe there is a 'colour blind' approach to delivering services, and that this is based on a prevalent attitude of 'but there aren't many of them here are there?'

Area	Total	White	BME	Asian	Black	Chinese or other	Mixed	Not Stated
Babergh	86.1	83.7	2.4	0.4	0.5	0.4	1.1	N/A
Forest Heath	62.8	56.2	6.6	1.1	2	1.2	2.3	N/A
Mid Suffolk	93.4	91.1	2.3	0.4	0.4	0.4	1.1	N/A
St. Edmundsbury	102.2	98.3	3.9	1.1	0.7	0.8	1.3	N/A
Suffolk Coastal	124	118.8	5.2	1.4	0.9	1.6	1.3	N/A
Ipswich	120.6	108.1	12.5	5.5	2.5	1.6	2.9	N/A
Waveney	116.3	113	3.3	1.1	0.5	0.7	1	N/A
Suffolk	705.4	669.2	36.2	11	7.5	6.7	11	N/A

Ethnic make up from 2007 mid-point estimates based on 2001 population census¹⁰

¹⁰ Numbers are based on Office of National Statistics data set K28a Resident Population Estimates by Ethnic Group, All Persons, 2007. Due to the breakdown of the dataset the totals may not represent others seen within the 2007 population estimates. We are still awaiting revision of the ethnic breakdown for population estimates for 2009.

7. Stop and Search in Suffolk – a civil rights story

The Ipswich and Suffolk Council for Racial Equality (ISCRE) a small Non Governmental Organisation had struggled for survival for a number of years, and received very limited support locally. In 2005 it was in crisis and after an extensive consultation the local Council decided to support it. It appointed a Chief Executive Officer in September 2006, who spent time meeting with individuals and community 'leaders' to determine priorities. The issue of Stop and Search was regularly raised as a concern primarily by the black community.

This issue heightened in importance when a young black man Jimoh Plunkett, from London was tragically shot and murdered in a night club in Ipswich in December 2006. The African Caribbean community told ISCRE they felt increasingly targeted by the police, and felt they were seen as suspects not victims. At a community meeting it was apparent that there was a low level of trust and confidence in the police.

Ongoing analysis of the Section 95 data during 2006/07 showed a real spike in stops on black people. The Equality and Human Rights report Stop and Think subsequently identified Suffolk as 7th highest out of 43 Forces (this was not published until March 2010)

Overall the Suffolk picture was poor. You were 8.9 times more likely to be stopped and searched if you were black; apparently higher than the national average, which was also still unacceptably high at around 8 times more likely (although Suffolk's data was based on 2001 Census and not the 2007 mid population used in the EHRC report). In some rural largely 'white' areas the inequality was exceptionally high. It was 22 times more likely for example in Lowestoft in the North of Suffolk.

The local Media had increasingly picked up on the issue and were scrutinizing the Police Authority reports. They sought comments and opinions from the Police and ISCRE. ISCRE's attempts to engage the police in constructive dialogue to explore community led solutions were initially unsuccessful, and we said so publically. The situation became increasingly confrontational and played out in local papers and local radio.

The appointment of a new Chief Constable and the direct support from the Chair of the Police Authority was seen by ISCRE as the catalyst for change. After a series of meetings ISCRE was commissioned to undertake a piece of research looking specifically at Stop and Search in Ipswich.

8. The research

The terms of reference for the research were:

To identify the reasons behind the current disproportional amount of Stop and Search (and other interventions for the purpose of this document referred to as 'Stops') statistics on black and minority ethnic people in the Ipswich Area and to make recommendations based on these findings

During the research it became apparent that some of the areas we wished to review based on conversations with communities would not be possible.

The 'intelligence' database for example was not able to be linked to the 'stop' data base to provide clear and direct links between intelligence and stops. Many members of the community felt that police would stop them because they were black and then embark on a 'fishing trip' to justify the stop. Being unable to do any tracking leaves questions that remain to this day.

Similarly we were unable to track the outcome of the stop; whether the person is arrested; given advice or no further action. People told us they felt they were treated more harshly. Those that indicated they felt harassed also felt the police would arrest them if they became 'uncooperative' and not for the original reason for the stop. We have seen stop forms where officers have written 'clearly anti-police' on them and have challenged why.

It was not possible to analyse repeat stops other than manually, as the police system did not have the capacity to do this. People told us they felt harassed. They believed that even if nothing was found on them that the police would still enter their information onto the 'intelligence' system. They felt that by continually doing so the police built up a profile based on a 'no smoke without fire' principle which left them vulnerable to being targeted. Again we have seen forms when a person was stopped for being suspected of having drugs on them. Even though nothing was found the police officer has entered 'information' about them onto the police system.

During the research several members of the black community told us of being stopped in their vehicles because they were black. As routine vehicle stops are not monitored by ethnicity we were unable to investigate this area of policing.

The researcher was enhanced security cleared and was based at Ipswich Police Station. They had access to sensitive police information and databases by way of a time specific Data Protection Arrangement. There were regular updates and meetings with senior police personnel. This transparency was critical to building trust and confidence for all parties.

The researcher:

- Held interviews and focus group discussions with Members of BME communities; Black and White young people; Police Managers and officers including Black Police Association; Independent Advisory Group; Police Authority.
- Worked shifts; experiencing operational foot and vehicle patrol;
- Worked in the Closed Circuit Television unit
- Examined databases
- Attended officer safety training and Stop Search tactics
- Reviewed Stop forms
- Developed a survey for officers and analysed responses
- Developed expertise in the legal framework for Stop and Encounters.

9. Research Outcomes

The research found no evidence to support the repeated explanations given by Suffolk Police for the disproportionality. This included (but is not exhaustive):

- *'It's drug dealers coming from London'*
In the survey when asked why they thought the data was disproportionate, 45% of officers expressed the view that it was linked to the alleged presence of London drug dealers in Ipswich. The research found that only 1.7% of Stops during the research period were on people with London addresses. The research showed how this racially biased view could be shaping police practice. Also this 'Ipswich' based explanation did not explain the even higher inequalities in more rural parts of Suffolk. It also, bearing in mind the high number of 'no further action' (NFA) outcomes did not take into account the negative impact on local people. Despite busting this myth in our research the latest Police Authority report June 2011¹¹ again refers to 'London Addresses' as justification. This shows that the learning from the research is still not embedded in the service. Also the importance of the communities and ISCRE's knowledge of the research bringing a consistent and sustained message to the police.
- *'Black people are more likely to be carrying involved in drugs'*
59.6% of all black stops were for 'drugs' with 67% resulting in NFA's (against 61% for white people stopped) This high level of NFA's as an outcome to the stop calls into question the quality of the intelligence, as stops have to be based on 'reasonable suspicion'. The majority of Stop forms reviewed showed officer self initiative and not targeted drug operations. Stop Search forms are usually not completed when a targeted operation results in an arrest and people are taken to Custody and charged. In the survey when asked why the data was disproportionate 80% of officers responded that BME people have higher offending rates. The research suggested this racially stereotypical view is likely to influence police practice.
- *'Officers are more likely to complete a form when stopping a black person because they are more likely to complain'*
This view was expressed a lot, and was seen to be a valid explanation accepted at a senior level. A mathematical model determined that officers would have to stop 3,342 more White people or 232 less BME for this to be true. The EHRC Stop and Think report takes this further and analyses 'excess stops' and it is compelling in terms of its statistical portrayal and impact on communities. This view, that the selective completion of forms was a 'reasonable explanation' is in itself an example of Institutional Racism. Data from Professional Standards showed less than 1% of complaints are about Stop and Search by BME people.

¹¹ Suffolk Police Authority Monitoring and Audit Committee MA11/17 <http://bit.ly/nbP9ol>

- *'It's about who is on the street at the time we stop people – black people are more likely to be around at particular times'*

Street population was regularly given as a reason for the disproportionality. The researcher found no pattern to times and locations of Stops but found that 41% of the stops took place between 12 midday and 6pm. The researcher spent time on patrol and monitoring CCTV on a 24/7 basis. It was found that there was no obvious evidence that BME people were more visible at certain times of the day or night.

- *'We use intelligence to inform our stop and search'*

The researcher was unable to examine specific pieces of intelligence. However there was no evidence of any race equality impact assessment of intelligence. For example the intelligence database showed 42% of all intelligence was in relation to Black subjects. It was not apparent though where this intelligence was from – informant; concerned member of the public; subject being seen in what is known as a Drug Hot Spot area etc

10. Recommendations

A number of recommendations emerged, all of which were accepted by Suffolk Police. These included:

- enhancing the database;
- improving the way in which the information is accessed by communities;
- training officers in a range of areas from Stop Search process refresher to Community and Race Relations training;
- setting up ISCRE as a 3rd party reporting centre for Police complaints;
- improving the Stop Search form.
- increased & intrusive supervision by officers
- community led reference group

11. Community led Reference Group

The research was published in September 2008 and the Reference Group held its first meeting in November 2008. People from the community who had contributed to the research and others with whom ISCRE had close links with were contacted and asked if they wished to get involved. Some declined, and their reasons for doing so were largely linked to very negative experiences and views of the Police.

A small group came together and Terms of Reference were agreed in partnership with the community and the Police. Ownership and leadership of the group needed to sit within the community and a natural Chair emerged. The relationship with the police though was critical and supportive. Despite the wide reaching legal landscape in Britain Suffolk Police did not have to support the reference group and should be congratulated for doing so.

The overall aim of the group is:

To improve the trust and confidence of BME (Black and Minority Ethnic) communities in the way the police conduct stop/search and encounters by openly discussing the issues and holding individual officers accountable for their actions.

Its activities were:

- ❑ To scrutinise district performance in relation to stop/search particularly stops of people from BME backgrounds
- ❑ To examine forms completed in relation to people from BME backgrounds to ensure that the searches have been carried out in accordance with Code A of the Code of practice
- ❑ Discuss stop search cases brought to ISCRE's attention via 3rd party reporting
- ❑ To monitor the impact of the use of stop/search and encounter in the community and on Suffolk Constabulary
- ❑ Contribute to Suffolk Constabulary's stop search policy, procedure and training
- ❑ Report on a quarterly basis to the Diversity Programme Board

The group originally met monthly in the evening, coordinated by ISCRE. The police have recently reduced this to bi monthly because of resourcing difficulties. This is problematic in terms of backlog of forms and swift follow up actions to identified areas of concerns.

The meetings are deemed a safe space, where all can contribute equally and all parties sign up to strict confidentiality. They are challenging on both sides and a real opportunity to hold officers accountable for their actions. The group is open to all members of communities. The core members of the group have a very good understanding of the law surrounding Stop Search practice and there is real quality to the dialogue.

The main attendees are:

- Community
- ISCRE
- Suffolk Police Authority
- Independent Advisory Group
- Suffolk Constabulary – Superintendent; Inspectors; Professional Standards Lead; Diversity Unit
- Black Police Association

The Stop forms for all BME people who are stopped are reviewed in advance each month by ISCRE and the Community Chair. This scrutiny looks at:

- reason for the stop and whether it complies with PACE?
- words and nature of language used in describing activities and the person
- has the supervisor signed it off?
- quality of encounter questions
- outcomes

A number are brought forward to the police for discussion at the meeting. The Police provide information to the group which is then discussed. In my view it is this discussion and subsequent agreed actions that holds the key to mutual trust and confidence.

All the individuals whose forms are reviewed are written to after the meeting to make them aware. Because of data protection the letter comes from the police, but it is a joint letter from ISCRE and the Police. People are encouraged to make contact with either ISCRE or the police to hear of the outcomes of the discussion. Despite looking at in excess of 800 forms since the group started only 3 people have contacted us directly. This is an area we need to review to see if there is a better way to elicit responses.

Where officers have completed excellent forms the group ensures this is noted and the officers receive positive feedback. Where forms are poorly completed and the grounds are questionable then based on the explanation action ranges from words of advice to Management Action. Some officers and Sergeants have been encouraged to attend the meeting in order to properly understand the impact of their actions. Critically though their attendance should not be seen as punitive as that would further erode relationships and understanding of officers.

Members of the community who attend learn more about police practice and techniques and relationships are cautiously built. Some members have been to watch particular police operations and have had different meetings with Police Authority members.

The group has always expressed concerns about police complaints and how allegations of race discrimination are investigated. The Professional Standards Unit, where police discipline and performance is managed locally attends sometimes and already they have amended some of their processes based on feedback from the group. ISCRE is now a 3rd party reporting centre for complaints and as a result of this BME people are coming forward with concerns which can be discussed in the group.

ISCRE identified that when an individual put in a complaint the onus was then on them to pursue it, rather than the police. As a result of this issue being taken to the reference group and discussed with the community this procedure was amended to ensure the police proactively followed up on complaints.

ISCRE has also referred some complaints to the Independent Police Complaints Commission which have been upheld. We do continue to have some reservations about how such decisions then get embedded into changes in practice locally. ISCRE employs 2 part time lawyers and they continue, outside of the reference group to influence policy. ISCRE too has referred some more strategic cases into large national law firms such as Christian Khan. One of our clients whose form the group discussed (and who responded to the joint letter mentioned earlier) is leading on a national challenge to the Stop Search power.

12. Challenges

Despite making real and tangible progress there are many challenges still and these include (not exhaustive)

Wider issues

The police have been resistant to the group looking into other related areas of policy and practice as they feel these are addressed in other meetings that they run internally. They have an internal Diversity Programme Board (to which ISCRE are invited) for example that looks at Recruitment. Currently the numbers of BME police officers and police staff is very low with only 2% of its workforce. It needs to at least represent the overall population estimates of around 6%. The community feels this lack of representation, especially that no BME officers are in senior ranks, is fundamental to the issue of Stop and Search.

Language reinforcing negative racial stereotyping

The community continue to see forms that raise concerns. Words like 'foreign looking' or 'Eastern European' written in the description of either the grounds for the stop or the person. The research in 2008 identified that call takers had received no training in race equality and community relations, and that they would repeat simply what the caller states. The call takers have only recently received their training, over 2 years after the research was completed. The community do recognise that challenging the wider public on their use of language may not be appropriate at the time of the call in emergency situations for example. However it is possible sometimes and call takers do have an important part to play in ensuring acceptable language is used. When words like 'foreign looking' appear on a form, that is then sanctioned by the Sergeant and the Inspector we know the stop has happened because of ethnic profiling. We know too, especially in rural parts of Suffolk, people will ring in and say 'a black man acting suspiciously' We have seen words like 'acting suspiciously' appear on forms and these have been explained in a less than satisfactory way.

Sanctions against officers

The group have identified many forms where the stop was either clearly unlawful; or the grounds were incomplete; where supervisors have sanctioned the action of officers regardless of how poorly completed it was. The senior officers who attend the meeting continue to advise the group that 'words of advice' have been given. The group feel that the level of sanction needs to be increased and this is a real area of concern at present. There is a sense that without the police starting to take much stronger action in respect of inappropriate use of stop and search that officers at all levels will continue to abuse it. The group is concerned that rogue officers remain unchallenged. Also how, when words of advice are given, this is fed into an officers' annual appraisal and performance management processes. This is particularly a concern as there is a tendency for police officers and sergeants to be moved around a lot.

Civil rights groups relationships with police

The relationship between ISCRE and the police is fragile. ISCRE pursues quite a hard media strategy in order to ensure the community sees that there is an active civil rights voice in Suffolk. ISCRE went public with its concerns about proposed changes to the group that had not been the subject of any consultation. This was as a result of a change of senior police personnel.

Subsequently the police decided to no longer fund the costs of the reference group being met by ISCRE, on the back of budget cuts. A young black man, a member of the reference group supported by a national law firm successfully challenged the police. He did so as the police had not completed an Equality Impact Assessment of the decision, required in law. As a result of a threatened legal challenge the police consulted on the proposals in line with their legal duties under the RRAA. The response from Suffolk's BME community was significant, and in excess of 300 individuals/groups signed petitions and wrote to the Chief Constable supporting the continuation of the reference group. The funding was reinstated albeit at a reduced amount. ISCRE took the decision that the matter is too important for the community not to continue, and the arrangement is currently under review.

Role of the Black Police Association (BPA)

As there are so few BME officers we recognize the complexities of the time commitment and of being in the minority within the police service. BME officers who have attended reference group meetings have themselves sometimes been the subject of challenge by the community. The community members on the group think it is fundamental that the BPA are involved, and that those who do should be front line officers. The BPA generally do not attend and often choose to send non police staff to represent them.

National government decisions

As mentioned previously I have concerns about this Governments attitude to Equality. We have seen legally binding changes to recording requirements in respect of stop and account and stop and search rushed through the statutory processes.

The national requirement to record stop and account is now removed and it is down to local 'discretion' Some police services have simply gone ahead and stopped recording which demonstrates complete disregard for the Equality Act and the need to assess impact before such decisions are made. In many places communities are completely unaware of this erosion of their rights. Additionally the requirement to record specific pieces of information in respect of Stop and Search has been removed. This includes information about the person, meaning repeat stops will be unable to be tracked.

13. Successes

We have achieved much and our successes include (not exhaustive):

Context

The group is successful because of the context of the research which is regularly referred to in the meetings. This context is important as it serves to remind the police what was found, what they signed up to, and how much progress has been made on matters.

Partnership

Despite its fragility it is an effective partnership with the police, ISCRE and BME communities. There is Chief Officer commitment from the police and ISCRE which is deemed critical.

Community empowerment & voice

It is led by the community most affected by stop and search who are in the majority at the meetings and who continue to support it. More than 90 people from the community have attended the meetings. Importantly the group has attracted young black men and youth workers who are most affected by the power and who understand its impact. To have such a representative group in place is unique. Consultative groups are often made up of self appointed 'community leaders' from a much older generation.

Positive impact on the data

Disproportionality has come down since ISCRE completed its research and the reference group started. The black/white disproportionality for stop and search in 2010/11 was 3.7, down from 4.7 in 2009/10. According to the figures from the section 95 reports the figures for 2008/9 and 2007/8 were 3.6 and 4.6 respectively and the figure for 2004/5 was as high as 5.5. For stop and account the figures for 2010/11 was 1.9 down from 2.5 in 2009/10. The general trend is clearly downwards. However the link between the existence of the group and the trend is not clear and we are hoping for some academic research on this issue.

Integrity & reach

The reference group links with ISCRE is very helpful as ISCRE has both the infrastructure and relationships to be able to follow up on emerging issues. ISCRE also ensures that wider issues, such as proposed changes to Stop and Account and Stop and Search are disseminated to the community who attend. ISCRE writes to and lobbies local and national politicians on the issue, which individuals from the community may feel unable to do.

Trust and confidence

Front line and Senior officers who attend the meeting have reflected and identified that sitting down with the community and having open, frank and sometimes frustrating conversations is more powerful than any training course. Many have built strong and positive relationships with BME individuals that exist outside of the group, leading to enhanced understanding of the issues the community face in a place like Suffolk.

Good practice

The group is seen as innovative by the National Police Improvement Agency. We have travelled to Brussels to talk about the model and how it works, and now New York. A police service in Leicestershire has visited Suffolk and held its first reference group meeting last month.

Hopeful for the future

I believe that community led solutions are the only answer, and that communities and the police need to find some common ground on which to base their dialogue. I describe our relationship as 'bumpy' but at least there is a relationship now that never existed before.

In partnership with the London School for Economics and other police forces and civil rights groups we have submitted a funding application to build on our work. We know we need to gather much more 'research based' evidence to convince people why our model works.

A national lobby group StopWatch is gaining momentum across the UK. It is important to an organisation like ISCRE to be part of a wider voice on this issue. If we do not our community issues remain invisible and together we are stronger. StopWatch is crucially seeking to develop its youth focus and in July we took some young people to the House of Commons to ask questions of the Chair of the Equality and Human Rights Commission. They asked about Stop and Search and the importance of people being able to access their rights. Getting the message that young people care about this issue to such a prestigious forum means it cannot be ignored.

I feel encouraged by the many truly good police officers at all levels that we work with who really do want to get it right. I feel inspired too by the tremendous support we continue to receive from the community and I am confident that we will continue our good work together.

Jane Basham
Chief Executive
August 2011