

IDENTIFYING THE DRIVERS OF DISPROPORTIONALITY IN POLICE-INITIATED STOP AND SEARCH PRACTICES:

A STUDY OF OFFICER DECISION-MAKING IN ENGLAND & WALES

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INTRODUCTION

Each year, the publication of official monitoring data for the police service in England & Wales provokes a public debate about the extent to which people from black and minority ethnic groups are stopped and searched compared to white people, and whether any disparities are fair (see Appendix). Evidence of disproportionality is important because it informs us about the public's *experience* of police-initiated contact regardless of the reasons for that contact, and is a necessary first step towards uncovering discrimination. These experiences are likely to have far-reaching implications for the people who have been stopped and, in the longer term, for the police. If policing is perceived to be unfair, the legitimacy of the police will be undermined, which will reduce the public's willingness to obey the law and cooperate with the police (Tyler 2006).

Debates that focus solely on the official monitoring data are, however, limited in their scope. The national figures present only a partial picture and lack explanatory power because they tell us nothing about what might cause these disparities. A wide range of competing theories have been put forward in the literature to explain disproportionality in police stop and search practices with varying degrees of empirical support. These hypotheses range from ethnic differences in offending, structural inequalities, the differential use of public space, police recording patterns, through to direct and indirect discrimination (see, for example, Bittner 1980, FitzGerald and Sibbitt 1997, Choongh 1997, MVA and Miller 2000). What has been lacking from the policing literature in the UK over the past 20 years has been a detailed exploration of officers' decisions to conduct stops and searches which looks at the role played by perceived race and ethnicity in the formation of police suspicions.²

Rather than review the large volume of literature on the possible causes of disproportionality in police practice, this paper seeks to address the specific gap in the literature by looking at officer decision-making at a micro level, and examining the 'law in action'. The purpose of this paper, therefore, is to understand the relevance that race and ethnicity might play in the formation of police suspicions and in decisions to initiate contact with the public.

The paper is structured so that the broadest and most diffuse influences on police action are examined first, moving on to more immediate influences. The first section explores how the police form suspicions on patrol in general, to provide context for the following discussion. The paper then considers the role that the legal framework and organisational setting play in conferring discretion to officers and establishing work practices which *could* enable race and ethnicity to feature in officer decision-making. The next section looks at how information from public – particular suspect descriptions – might inform police practice by marking out who should be the subject of police targeting. The interpretation and use of suspect descriptions is then described in detail, highlighting the wide latitude officers often have to initiate contact even in situations previously characterised as giving officers 'low discretion'. The paper then explores officer attitudes towards people from minority ethnic groups and discusses the extent to which stereotypes could inform police practices. Finally, the paper concludes with a detailed examination of a series of encounters where race was

¹ This paper was written by the author in a personal capacity and is based on the results of his private studies at the University of Surrey. The paper does not represent the view of the National Policing Improvement Agency or the Home Office. The Home Office contributed to the authors' university fees.

² Bowling and Phillips (2002) provide an excellent overview of conceptual issues with 'race' and 'ethnicity' in relation to policing. In general terms, 'race' has been used to refer to the social constructions used by people to classify others according to perceptible (albeit imprecise and arbitrary) physical appearances. 'Ethnicity' is used more to refer to a person's sense of belonging to a particular social, cultural or national group, although it has been recognised that such a notion is also problematic.

possibly more central to the decision to carry out a stop or search, and the way the interaction was handled.

This paper focuses primarily on ‘ordinary’ police-public encounters (see Appendix). Stops and searches under counter-terrorism powers, and carried out at air and sea ports, are not examined.

RESEARCH METHODS

This paper draws extensively on ethnographic fieldwork that was carried out for two related pieces of research around 10 years ago (Bland *et al.* 2000, Quinton and Olagundoye 2004). The principal aim of these studies was to evaluate the national requirement, introduced following the Stephen Lawrence Inquiry, for police officers to make a written record of all stops as well as searches. The research was also designed to allow police decision-making to be explored in depth, which subsequently formed the basis of a doctoral thesis on the formation of police suspicions (see Quinton 2010).

Fieldwork was conducted in a broad range of policing environments across England & Wales, over two separate time periods. During 1999/2000, research was carried out in: Chapeltown (West Yorkshire); Greenwich; Hounslow (both Metropolitan); Ipswich (Suffolk); and Central Leicester (Leicestershire). This was followed up in 2003 by further work in: Bournville (West Midlands); Hackney (Metropolitan); Sefton (Merseyside); South Notts (Nottinghamshire); and Wrexham (North Wales). In total, 198 officers were interviewed across the sites. The interviews focused on how they carried out stops and searches, what prompted their suspicions, and the perceived impact of recording requirements. In addition, observations of police patrols were conducted to gain first-hand experience of their decision-making in a more naturalistic setting. Most time was spent with response officers engaged in vehicle patrol, although a small number of foot patrols were also studied. Over 565 hours of patrol were observed across 70 shifts. During this time, 249 encounters were observed where a member of the public who were:

- stopped and searched; or
- stopped and asked to provide an account of who they were or what they were doing.³

The analytical approach that was adopted is described in the doctoral thesis upon which this paper is based (see Quinton 2010). Inevitably, there are limitations with this study. The most significant issue was the extent to which the presence of a researcher affected the behaviour of officers while on patrol. To minimise this effect, the researchers went to a great deal of effort to make sure the officers felt at ease and to blend into the background as much as possible. There was some evidence of an observer effect. Officers were seen to carry out some encounters deliberately to show the observer how it was done, and elements of the other encounters seemed laboured and false. Comments were occasionally heard about how encounters had been done by the book. Nevertheless, the police were not always on their best behaviour. Several encounters were observed that were not recorded, poorly handled, or likely to be unlawful. Some heavy-headed policing was also observed, the most serious incident of which is described below. Thus, while the researchers unavoidably shaped the social environment they were observing, the effect was far from universal.

THE FORMATION OF SUSPICIONS ON PATROL

Before examining the role played by race and ethnicity in police decisions to stop and search, it is worth summarising how officers were seen to develop their suspicions on patrol in a more general sense.

Overall, officers who participated in the study often found it difficult to put into words what made them suspicious. In line with earlier studies from the UK, the officers talked vaguely about having a hunch, sixth sense, or bad feeling (see Innes 2003; Smith and Gray 1985). Thus, for officers,

³ Other encounters were also observed that were not thought to meet the official recording requirements (e.g. a further 29 traffic stops).

becoming suspicious was regarded as a taken-for-granted skill that could not be taught, but had to be learnt on the job (see Rubinstein 1973). The examples given by officers highlighted the all-encompassing and elastic nature of police suspicions (Reiner 2010, McConville *et al.* 1991). For example, strangers and those known to the police were both said to be suspicious, as were cars being driven too fast or too slow. Many of the examples given by officers during the interviews focused on a person's behaviour. However, while seeing someone walking around an industrial estate late at night or throwing a package into bushes were common features of police talk, they very rarely occurred during the observations. It is possible that behavioural cues were a common feature in officer accounts because they were relatively easy to explain and more likely to be in line with the law.

The observational work found that decisions to stop and search could be understood as a communicative process which involved police officers identifying, interpreting and labelling information in their social environment.⁴ Particular *signals* in the right context were seen to stand out from the background noise which caused officers to be uncertain or mistrustful about a person, or to think they were involved in wrong-doing. Officers were also seen to use *interpretative frames* – or everyday rules-of-thumb – which drew on their prior experience to make sense of these signals and determine what course of action to take: “For example, a gesture, such as raising a hand, may indicate a ‘threat’, or a ‘wave’, or a ‘caution’, depending on the frame” (Manning 1992: 259).

Across the fieldwork as a whole, a wide range of physical, behavioural and social signals were seen to prompt police suspicions. Overall, the signals that marked people out into broad social categories were found to have the greatest influence on police suspicions. These typifications or stereotypes about groups of people were often closely tied to notions of ‘respectability’ and ‘order’ (see Reiner 2010).

Being recognised as someone ‘known’ to the police held most currency with officers. ‘Regulars’ were regarded as habitual criminals and were frequently stopped because they were seen as inherently suspicious in almost any context. The lawfulness of some of these encounters was questionable because searches were carried out with weak grounds, which sometimes resulted in the same people being ‘turned over’ repeatedly.

A focus on young people in their teens or early 20s was also pervasive, particularly groups of ‘lads’ around cars. While encounters with young people were not always initiated, the practice was frequent and a widely accepted. There was often a strong, but non-specific feeling that young men in particular were ‘up-to-no-good’ and likely to be engaged in some sort of disorderly or criminal conduct. The clothes of young people not thought to be respectable – track suits, baseball caps and hooded tops – were important to police decision-making, almost acting as a proxy for social signals: “You build the stereotypes up through experience, the people you see are involved in crime. In this area, it’s people in sports gear” (Obs/LC/N2). These cues almost marked out criminal intent and sometimes led to young people from deprived and ethnic minority backgrounds being singled out.

THE ROLE OF BROADER CONTEXTUAL INFLUENCES

It has been argued that legal decisions should not be examined in isolation, as they form part of a system and are shaped by a range of wider influences (Hawkins 2003; Manning 1992). While a focus at the micro level precluded detailed analysis of these influences, the fieldwork did point towards the exercise of police discretion being affected by the broader legal and organisational context.

The law, discretion and constraint

Commentators have argued that reasonable suspicion is a slippery concept, impossible to define, and that its interpretation is entirely down to the officer (Baldwin and Kinsey 1982; Sanders and Young 2007; Koffman 1985). As Waddington has noted: “In law, reasonableness is an enormously elastic

⁴ The concepts used to understand police decision-making were based on the work of Erving Goffman (1971, 1972, and 1974).

category that excludes little” (1999: 197). Furthermore, the regulatory framework around stop and search has tended to describe *how* to conduct encounters, not *whether* and *when* to conduct them (Fielding 2005).

There was some evidence to suggest that this imprecision and elasticity was reflected in officers’ own understanding and use of the law. The interviews revealed that officers were not able to communicate exactly what reasonable suspicion meant in practice, and no one attempted to provide a concrete definition. Instead, officers gave examples of when they would carry out a search, or would talk about the types of factors they would consider. While there was a general perception that suspicions had to be stronger for a search than for a stop, there was wide variation between officers. A few officers said that it was very difficult to get grounds for a search because the standard they worked to was the same as it was for an arrest. Other officers said they worked to a much lower standard of evidence. One observed officer, for example, said that it was “easy to know when you had grounds, you didn’t need much”, adding that he only needed a couple of factors before conducting a search.

Overall, the observations showed that legal considerations were not foremost in officers’ minds when they were conducting searches. Decisions were often based on practical rules-of-thumb and stereotypes, rather than on officers surveying the material facts around them and weighing up the likelihood of finding a prohibited item. Analysis of the police search data also revealed that the reasons written by officers to justify their action after the event could lack details and be tautological, meaning it was difficult to assess whether reasonable suspicion was present before a search was conducted. However, the law was not found to be completely irrelevant to decision-making. Many officers sought to work within their own understanding of the rules (in as far as those rules had meaning and could be articulated). Some officers were found to be more careful than others in reaching a decision to initiate contact, and took greater care at different times depending on the nature of the situation. Moreover, the low threshold at which officers were seen to carry out searches during a s60 operation suggested that reasonable suspicion might constrain officers on a day-to-day basis (see Box 1). Also, there was a widely held perception during the fieldwork that the rules around stop and search had been tightened. The fact that the reasonable suspicion remained unchanged suggested the constraining effect of the law had to be consciously triggered by officers and was mediated by a range of other factors. For example, there was some evidence that a more conscious attempt to comply with the rules had been prompted by media reporting about police racism and police concerns about public complaints.

Overall, it appeared that the legal framework was only partly effective in regulating police behaviour, and conferred considerable discretion to officers in forming, acting on, and accounting for their suspicions. Given this discretionary space, it is conceivable that race and ethnicity *could* influence some stop and search decisions.

Box 1. The exercise of suspicion during a s60 operation

The observations of the s60 operation in Leicester over two nights showed how this ‘enabling’ power conferred considerable discretion to the police. While the s60 authorisation had ostensibly been introduced to combat a reported increase in knife crime, there was limited evidence to suggest that officers were searching in order to find offensive weapons. Decisions to carry out a search tended to be based, instead, on signals of disorder and general demeanour. Threats of violence, abusive behaviour, and acts of criminal damage were key triggers, and those responsible were usually put in the back of the van to be searched.

[The officers] say that it doesn’t look like a fight and that the man is just drunk – so they won’t pull him. Then the man kicks security barrier of a shop – ‘Right we’ll have him for drunk and disorderly’. (Obs/LC/N4/2)

Officers were selective in their use of searches, and predominantly used the power when a person’s behaviour fell short of an arrestable offence: “[P]eople who aren’t worth pulling ’cause they haven’t

done enough” (Obs/LC/N4). The officers’ inevitable focus on low level public order incidents, seen as a legitimate use of the power, was reflected in officers’ talk about s60 searches. In response to a question from the observer about how he decided who to search, the officer implied that searches were used as an act of censure against behaviour that was regarded as an affront.

You don’t search everyday people – you don’t want to cause them any bother... 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’. (Obs/LC/N4)

There was some evidence to suggest people were searched because they were in ‘contempt of cop’ for challenging the status and authority of the police (see: Black 1980; Reiss 1971; Waddington 1999). In one example, a drunk man who shouted, “I’m going to bust you” at the police van. The man initially threatened with arrest but, because he apologised to the officers, he was searched instead: “I’m really sorry officer. I was really out of order – I’m sorry – I don’t want to ruin anyone’s night” (Obs/LC/N3/3).

The role of the organisational setting?

There was also some evidence to suggest that the organisational setting – and the values it promoted – could have an important influence on officers’ decision-making. While the focus on the fieldwork precluded strong conclusions being made, a comparative case study approach highlighted a potential relationship between organisational context, policing style, and officer practice (see also Wilson 1968).

Chapelton and Hackney were found to use stop and search in wholly different ways, despite ostensible similarities in terms of their inner-city crime problems, diverse ethnic populations, and history of community tensions. Police data showed there was a marked difference in the extent to which searches were used. In Chapelton, there was less than one search per 1,000 residents during the study period, compared to four searches per 1,000 residents in Hackney. While it was not possible to assess the level of race disproportionality, there were also some clear differences in the pattern of recorded encounters. Just over 5% of searches were of black people in Chapelton, compared to over 45% in Hackney.

Broadly speaking, Chapelton appeared to follow a community-oriented and problem-solving model of policing, having beat officers and a dedicated project team to deal with the area’s drugs and vice problems. In contrast, Hackney followed more a more reactive model which placed emphasis on enforcement, rapid response, and specialist crime squads. Numeric performance measures were more prominent in Hackney. One Chapelton officer said that the shift towards the management of ‘quality’ had resulted in a change in policing style in the area: “People used to do 30 searches per night [but] couldn’t have had grounds” (Obs/CT/L2).

These organisational issues seemed to affect how officers saw their own role. Chapelton officers had a clear idea that crime was mainly concentrated in one particular neighbourhood. They also tended to understand how their actions could adversely affect the local community, and some felt the local problems were too complex for the police to deal with through enforcement. The observed officers were generally more cautious and selective in initiating contact and did so, partly, to maintain their craft skills. In comparison, Hackney officers often gave the impression that crime was everywhere and endemic (possibly due to the large number of calls for service they had to respond to). There was a very strong sense that the response officers in Hackney saw themselves as the ‘thin blue line’, and their attitudes were very much in line with traditional ‘cop culture’ (Reiner 2010). As discussed in the final section of this paper, officers in Hackney were also observed to be confrontational in their approach to dealing with some members of the public.

THE ROLE OF INFORMATION FROM THE PUBLIC

The legal and organisational setting provides an important backdrop, but there are likely to be more immediate influences that help situate police practice. Decisions will be made that determine where officers are deployed to and in what numbers, which crimes are priorities, who to target, and what tactics to use. These decisions will be partly informed by the intelligence picture the police have about where crime and disorder is occurring, and who is committing it. In this section, the role of calls from the public to the police to report incidents of crime will be examined in detail, although it is recognised that other information sources are likely to influence officer suspicions.

Calls from the public as a driver of disproportionality?

Previous research has highlighted that the police's role in responding to calls for service from the public could have a significant impact on levels of disproportionality. Studies by Jock Young (1994) and Marian FitzGerald (1999) in London pointed out that the flow of information into the police – principally from the public – had a crucial role in shaping the overall profile of those stopped and searched. In FitzGerald's study of the Metropolitan Police, she made the following prediction.

[I]f the discretion to search were severely curtailed, this would make very little difference to the relative proportions of searches of black people relative to whites. Indeed, if the apparent move to low discretion searches [based on public calls] were to continue, suspect descriptions would be expected to have a stronger influence than they do now on the pattern of searches. In those circumstances, [I] would predict a change in the ratio of white to black searches to the further disadvantage of black people. (1999: 42)

As one officer interviewed for this study succinctly put it: "We're just the agents of the public, but we get the grief" (Int/LC/21/R1).

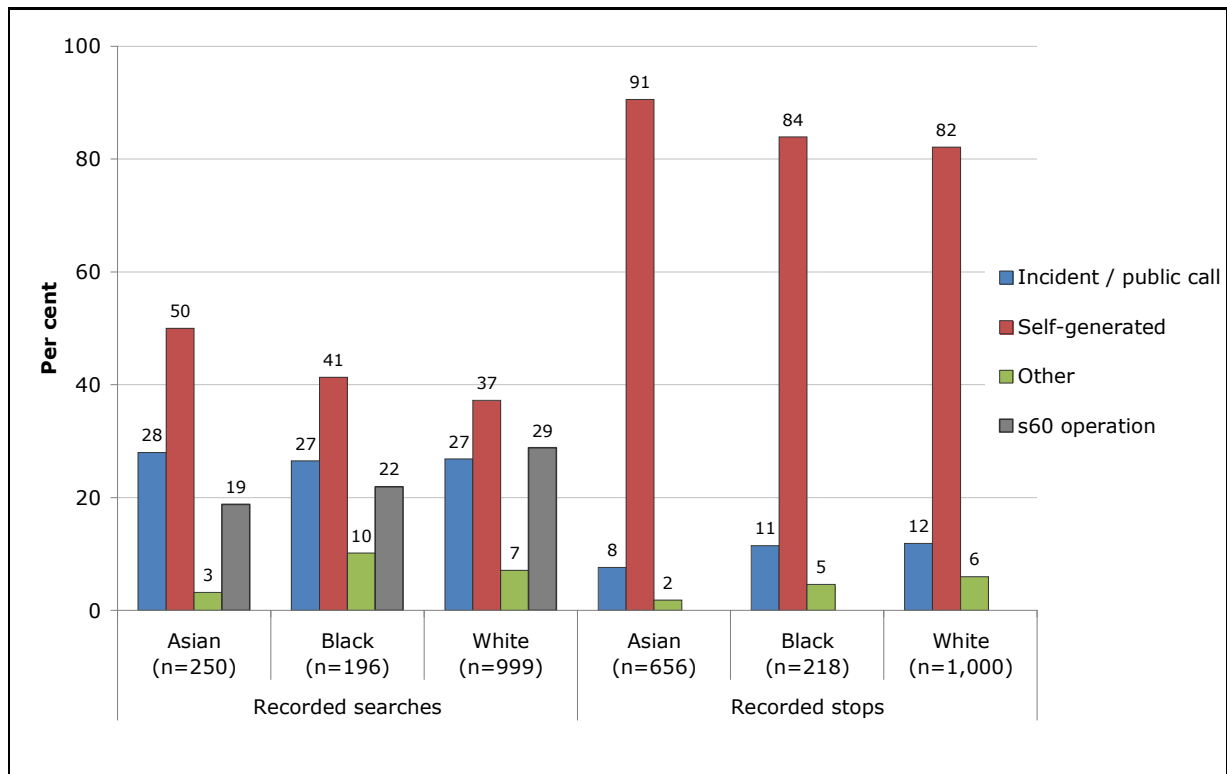
The fieldwork for this study, however, presented a subtly different picture to the one put forward by Young and FitzGerald – possibly because the sites were drawn from across England & Wales rather than just London. There was some evidence to suggest that calls from the public were less central to stop and search decisions than assumed by the earlier studies, but that they might still make an important contribution to disproportionality.

The observations showed that the vast majority of calls did not result in a suspect description being dispatched over the radio, or lead to a stop or search being carried out. When they did, the calls tended to involve some sort of disturbance or dispute which required immediate police action (e.g. a fight in progress). It was generally the case that the people involved were at the scene and, even if no descriptions were given, the police initiated contact straightaway in order to keep the peace and re-establish order.

Data from police records also presented a slightly different picture to the one offered by FitzGerald. In her study of the Metropolitan Police in London, low discretion searches based on calls from the public accounted for around 70% of all searches. Data from Leicester – the only site that recorded details about the 'origin of the encounter' – showed that a much smaller proportion of encounters were prompted by calls for service (28% of searches and 8% of stops). The data pointed to some differences by racial group (Figure 1). Racial differences were much more pronounced with self-generated encounters compared to those prompted by calls for service. A higher proportion of searches for Asians and Black people were self-generated compared with white people (+12 percentage points and +4 percentage points respectively). However, this general pattern was reversed for s60 searches, a power that confers considerable discretion to officers.

To suggest that calls from the public are a driving force behind racial differences in stops and searches is to over-simplify the situation. The results from Leicester suggested that there are likely to be variation across England & Wales, and for different types of police-public contact.

Figure 1. The origin of encounters by the officer-defined race of person involved in the encounter (Leicester, November 1999 – May 2000)



A bias in suspect descriptions?

Jock Young (1994) also argued that street robbery is more likely to generate a suspect description than other crime because of the contact between the offender and the victim and, due to differential offending rates, could lead to an overall race bias in police stop and search practices. Although Young's argument that people from minority ethnic groups are more likely to be involved robbery is not widely supported by empirical research, there was some evidence from the fieldwork to suggest that police practice might be shaped by the availability of descriptions for different types of crimes.

Robbery was said to be a priority for the police in several of the study sites, yet accounted for only seven calls for services during the entire fieldwork. Five of these calls were noted to have included some information about the suspect (usually the numbers of people involved, their perceived race, and occasionally a general clothing description). Despite the extremely small number of cases, there *may* have been a bias in the suspect profile. The suspects were described as 'black' in four out the five calls. The level of information about these suspects was, again, vague. Only one call contained sufficient information about the suspect that would have enabled officers to identify a specific person.

The suspect is identified as IC3 [black] youth (17-20) on a red mountain bike that appeared to be sprayed. He is described as wearing blue baggy jeans and a denim jacket. (Obs/HK/L1)

During the interviews, officers were asked which crimes they thought were likely to generate suspect descriptions. As expected, officers were generally of the view that descriptions were most likely in incidents where personal contact made been made: "The ones with witnesses" (Int/IP/16/R1). While there was some variation, personal robbery was the most common response and was mentioned by a majority of officers. Other crime types that were frequently mentioned included: assault; burglary; vehicle crime; and personal theft. Thus, the interviews potentially provided some supporting evidence for Young's argument about the importance of information flows to stop and search practice.

Suspect descriptions, discretion and suspicion

While calls for service and the availability of descriptions will situate police decisions in a general sense, the information given to officers about suspects during a shift was an important resource that enabled encounters to be initiated. The extent to which people were thought to resemble suspect descriptions was found to be central to police decision-making, and there was some evidence to indicate their use could be racialised and support generalised suspicions about different groups of people.

A number of the observed encounters were a direct result of a call for service. In some cases, but not all, the caller provided the police with a description of the perpetrator(s). When officers arrived at the scene and identified people whose appearance matched the descriptions – or whose behaviour was consistent with the call – an encounter was invariably initiated.

In these situations, there was a close fit between the call and the signals identified by the police at the scene. Officers' suspicions tended to be unmediated, direct and specific – they assumed the person was involved in the incident. However, in some cases, the police were seen to respond uncritically to the information they were given without forming an independent view of the situation (as required in law).⁵ Encounters resulting from public calls have been described in the literature as giving the officer 'low discretion' (FitzGerald 1999). However, this depiction underplays the extent to which officers are actively involved in deciding who to stop, when, and how to manage the interaction. For example, a Hounslow officer was observed searching an area for a person involved in a stabbing (Obs/HL/L1). The suspect was described as "an IC3 [black] male, blue jacket, blue jeans, and with a black bobble hat". The officer explained how he would draw on a range of subtle behavioural signals – in addition to the suspect description – to decide whether to initiate contact and to escalate the encounter into a search.

You have to use your judgement. I'd stop anyone within a mile. It depends on distance and time – it's a personal call... I'd stop anyone that was close [to the description] – you'd just want to find out who they are – and if they answer to the name of Mohammad, then you have more grounds for a search. You also look out for other things – whether they have blood on them. Of course they might not have blood but you'd look for it... It's about noticing things. 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? And is that because this is the first time they have been stopped by the police or something else.

The police had discretion when responding to calls for service because they had to interpret and apply the information contained in the suspect descriptions. Overall, they tended to be fairly critical of the quality of the suspect descriptions they were given: "[They are] not very accurate [and] vary a lot" (Int/IP/18/R2). Descriptions that were vague or lacking in specific details meant officers had considerable latitude over whether to initiate contact and with whom. Furthermore, this latitude was sometimes seen to increase as time past since the original call: "Most give reasonable descriptions at the scene – [they are] useful for five minutes afterwards near the scene" (Int/LC/3/R1). There was a suggestion that some officer would, over time, place less emphasis on some of the specific elements of the description. In one example, two white teenagers were searched in the early hours of the morning for 'going equipped' despite only partly matching a description that was not very specific and had been given out over the radio about an hour beforehand.

Even with detailed information, there was some evidence to indicate officers would focus on the signals in the description that supported their own interpretative frame or working knowledge about who the offenders were likely to be. In the following example (involving white people), key elements of the suspect description were be downplayed in support of more generalised suspicions.

⁵ For example, a search of two white 'regulars' was observed in Sefton because the officer received a call from the CCTV operator in the shopping centre that the pair had been 'acting suspiciously' (Obs/MS/L2/1).

The [descriptions] we've got at the moment are probably between 16 and 20. White, slim-build, wearing dark clothing, baseball caps, certain types of clothing we're looking for as well and certain types of vehicles that may be used... If we see somebody who we think is round the area about the right time, wearing a baseball cap or the right age then, without a doubt we will give him a stop and turn him over. I haven't got a problem with that. (Int/WM/5)

The focus on key elements of a suspect description was sometimes seen to be racialised. Overall, officers suggested the most reliable information in a suspect description tended to be the suspect's reported race: "Colour tends to be pretty correct, some confusion. Clothing is hit-and-miss" (Int/LC/1/R1). This finding echoed Rubinstein's earlier ethnographic study of patrol work on the US.

[The] only piece of information [the patrol officer] gets that he treats as absolutely reliable is the person's race: he does not think anyone mistakes white and black people for each other. Everything else he treats as guidelines for action. (1973: 228).

The following incident was notable because the officers did not give equal weight to the contents of the description. Only the race of the suspect carried any weight for the officers, while other potential signals were relegated to the background (i.e. sex, proximity to the shop, attire, or being in a pair).

00.57. A call comes in about a robbery. Two IC3 [black] males in blue hooded jackets near the Tesco's. We speed to the area, and [the officer] says they will do an area search: 'We will look to stop any IC3s'. (Obs/WM/N1)

The use of vague descriptions, coupled with the belief that information about race was likely to be reliable, could have resulted in officers initiating contact with people that was unnecessary, based on relatively low levels of suspicion. The following example showed that some officers were more willing than others to stop people with limited evidence, despite the possibility they were stopping the wrong people and contributing to disproportionality.

4.45pm... Call to St Matthew's estate to look for four Asian men suspected of assaulting a member of staff in Comet. [Officer 1] says that we'll never find them because the descriptions are too vague. See a group of four young men that matches the description as we have heard it. [Officer 1] wants to go and stop them but [Officer 2] won't let him. Says we need to wait for a better description. [We then] get better description from the CCTV at Comet. Does not match the men that we saw. [Officer 1] still wants to stop them, but [Officer 2] won't let him. (Obs/LC/L2)

One officer also highlighted how the information about suspects from calls for service could affect the intelligence briefings and taskings given to officers more generally. He said that that a local robbery problem committed by a group of black youths on bicycles, could result in officers being instructed to "go down to Dalston and... stop all IC3 [black] males on push bikes", a practice the respondent thought could "alienate a lot of people" (Int/HK/16).

While a person's reported race was often regarded as the most critical element of a suspect description and sometimes supported generalised suspicions, encounters were not always initiated simply because a person matched a description along racial lines. Some variation in police practice was evident. In Hackney, for example, officers in a patrol car were seen to place a black man with braids under close surveillance because he resembled a description because of his skin colour and hairstyle. He was not stopped though, largely because they thought the man looked older than the alleged car thief. Other officers said they would need to have other grounds before carrying out a search: "Four Asian youths, that's all I got [in the description]... I didn't think it was enough for a search so I didn't search them" (Int/WM/7).

THE ROLE OF OFFICER ATTITUDES AND STEREOTYPES

Ethnographic research by Smith and Gray carried out in London during the early 1980s found that

stop and search practices stemmed from “a tendency to assume that black people have committed crimes and that whoever has committed a crime must be black” (1985: 406). Stuart Hall and colleagues (1998) have argued that, while there is no straightforward link between attitudes and action, racist stereotypes operate at a structural level and are widely diffused throughout British society. They added that these condensed negative images persist at an unconscious level, and are maintained and transmitted via the informal work routines of the police. Working at the level of perception and expectation, stereotypes were seen to be remarkably stable over time yet highly contingent and selectively deployed. Given the potential for racist stereotypes to make a major contribution to disproportionality, this section examines the attitudes of the police towards people from minority ethnic groups.

From the 1960s to early 1980s, research from the UK found that it was “normal, automatic, habitual” for racist language to be used in the police (Smith and Gray 1985: 391). People from ethnic minorities were “usually described in derogatory terms – ‘coon’, ‘nig-nog’, ‘spade’, ‘black’, ‘razor blade’, ‘wog’, ‘animal’” (Holdaway 1983: 66). In line with other research carried out in the 2000s (Foster *et al.* 2005), the fieldwork revealed that the explicit use of racist language by the police had virtually disappeared with one notable exception. The stereotyping of gypsies was found to be a particular problem in one of the sites (Ipswich). Very strong negative views were expressed about gypsies, who some said were “responsible [for] a lot of vehicle crime, burglary” (Int/IP/25/R2) and “all the armed robbery” (Obs/IP/N2). Officer knowledge was seen to be self-justifying on one occasion when a sergeant dismissed the need to search an area for items to steal petrol because “...the gypsies would not keep incriminating stuff at their address” (Obs/IP/N3). Beside some clumsiness and awkwardness, officers were usually careful in the language they used to describe different racial and ethnic groups. This was not always the case for gypsies: “‘Fucking gypsies’ says [the officer] making a spitting noise” (Obs/IP/L3). In Ipswich, Leicester and Hackney, they were referred to variously as ‘gyppos’, ‘pikeys’ and ‘do-as-you-likeys’. While negative comments by officers were heard in some sites, stereotypes about gypsies were not a universal. Officers in Hounslow, for example, said a local gypsy site caused them no problems beyond littering.

During the first period of fieldwork, officers were specifically asked about the involvement of different ethnic groups in crime. A very small number gave the impression that black people were more criminal than white people. They did so by saying that young black men were more likely to commit robberies (i.e. crime) but that white people were more likely to participate in disorder and anti-social behaviour (i.e. non-crime). One officer went as far to say that these differences were determined by a person’s race: “[It’s an] in-built thing – understanding violence will get you things” (Int/HL/15/R2). Despite an inescapable Hawthorne effect, another officer was particularly open about the stereotypes he held about different groups and nationalities, which revealed strongly racist views.

Afro-Caribbeans commit street robbery... Up-town, most Nigerians commit fraud. [They come from] a corrupt country. [We get] lots of indecency from Kosovans. They think they are the dog’s bollocks when it comes to looks. Somalians come from the most violent country in the world. [We] shouldn’t be surprised when [they’re] violent over here... (Int/GW/23/R2)

Across the sites, the majority of officers who talked about race and crime did so cautiously and were at pains to contextualise their views (again in contrast to the officers in early UK studies). They tended to talk about offending patterns across different groups, and did not suggest that any one group was inherently more criminal than any other: “Offenders are from all walks of life” (Int/IP/6/R2). Nonetheless, offending patterns were often seen in racial terms (local differences are described briefly in Box 2). Overall, it was common for officers to talk about black men in terms of street robberies and (to a slightly lesser extent) drugs.

Whenever a robbery comes in, 90% [of the time] you’ll be thinking it’s a black male because of the description and because you know who does robbery in the past. (Int/LC/21/R2)

White people were generally seen to be involved in a wider range of crime types compared to black people – most usually public order, burglary, and vehicle crime. Negative stereotypes about Asians

were much less common.⁶ Remarks during the observations potentially pointed to Asian people being linked to drug use (but not drink-driving).

You might see a car with four up in a car – four Asian lads in baseball caps. If you stop them you are likely to find a spliff. (Obs/LC/N2)

Box 2. Local variations in officers' views about race and crime

- In Ipswich, racial differences were identified by officers, but there was no clear pattern overall.
- Robbery in Greenwich was generally seen as an 'across the board' problem, although black street robbers were often mentioned.
- In Leicester, a couple of officers referred to Asians in relation to deception offences. It was more common for officers to talk about how involvement in crime along racial lines had changed over time or was area specific, which was probably because the district was divided into three neighbourhoods with distinctive socio-demographic profiles.
- Officers from Chapelton emphasised racial differences in offending patterns, again reflecting the area they policed. The north of the district was regarded as wealthy and white, and seen to be relatively crime free. In a grittier and more ethnically diverse neighbourhood, a few officers talked explicitly about black people being drug dealers and white people being drug users.⁷

Many respondents from across all the study sites were concerned their comments about race and crime would be taken out of context, and displayed sensitivity when talking about any differences out of fear they would be seen as racist. Many were careful to say their views were informed by experience, were based on intelligence, and that any patterns were not fixed. As the extract below illustrates, some officers recognised that there were racial differences in offending, but that these differences were not inevitable or unchanging.

[There are] definitely [ethnic differences] although, with time, this has been diluted... In Peckham, it was mainly black men doing street robberies. But now it's diluted to other groups – whites, Chinese. Burglaries were white drug youths. Whereas, in Woolwich, street robbers are mainly Somalian. There may be social reasons for this. (Int/GW/12/R2)

It is beyond the scope of this paper to review the research that examines differential involvement in crime by different ethnic groups in any depth. As Bowling and Phillips (2002) have noted, these studies suffer from a range of methodological problems and are likely to present only a partial picture. While it was relatively common for officers to talk about black people in relation to street robbery, there is some evidence to suggest that this focus might overstate the issue. Home Office research on the nature of personal robbery pointed to local variations in the ethnic profile of robbery suspects, finding that "visible ethnic minorities are over-represented as offenders in some BCUs but not in others" (Smith 2003: 28). The study also concluded that wider socio-economic and demographic factors were more important than ethnicity in determining involvement in robbery. Furthermore, self-report studies found that the white and black respondents had very similar levels of offending (Graham and Bowling 1995). The national picture with regards to drug taking also challenges police views. Home Office research has found that, among 16-24 year olds, levels of self-reported drug use were lower for black people than for those from a white or mixed background (Aust and Smith 2003).

In summary, while the general disappearance of racist language should be seen as a major change in policing, there was some evidence to suggest that police continue to stereotype people from minority ethnic groups in terms of offending levels and patterns. Accepting that there are likely to be local

⁶ It should be noted that much of the fieldwork was carried out before many of the Islamist terrorist attacks in the US and Europe, and the race riots in the north of England which may have shaped officer attitudes towards Muslims and people perceived to have a North African, Middle Eastern or Asian background.

⁷ This view reflected a similar stereotype held by US officers in 1960s: "[W]hen a patrolman sees a white person he does not know in a black neighbourhood, he thinks the person is there to buy drugs or sex" (Rubinstein 1973: 263).

variations, national research suggests that police views might over-state the problem. The persistence of these stereotypes – even though the link between attitudes and behaviour may not be inevitable – highlights the potential for these typifications to influence officer practice.

THE ROLE OF PERCEIVED RACE

In this final section, the role played by race in shaping individual stops and searches is explored. First, encounters where perceived race appeared to be most relevant to police decision-making are described. Second, the nature of the interactions between the police and people from ethnic minority groups is explored.

Unpicking the role played by race in individual decisions to stop or search was difficult because of its implicit nature in the decision-making process, and officers' guardedness in front of the researchers. Many of the stops and searches that were observed involved people thought by the researchers to be from minority ethnic groups. However, in the vast majority of these cases, other signals were present that were also relevant to the decision to make contact. While officers may have been sensitised to these other signals because of the person's race, it was difficult to assess whether the perceived race of the suspect acted as either a principal or supporting signal to the officer. Moreover, the distinctiveness of the individual encounters meant it was not possible to compare the thresholds at which people from different racial groups were stopped or searched.

To add to the complexity of understanding officer decision-making, it is possible that other signals that prompted police suspicions were racialised. The stopping and searching of people 'known' to the police could simply exacerbate racial disparities already present in the criminal justice system. Furthermore, the profile of the minority ethnic population in England & Wales is younger than it is for the white population (FitzGerald 1993). Thus, a focus on young people in general, and particularly those wearing clothes associated with street culture, is likely to have an adverse impact on people from minority ethnic groups and could be used as a proxy signal for their targeting. A similar process was also likely to apply to a range of other signals that were less frequently seen to prompt police suspicions. The attention paid to scruffy people and older cars with defects, for example, could fall disproportionately on minority ethnic groups as they are more likely to live in deprived neighbourhoods.

Heightened suspicions?

Despite these analytical challenges, race did appear to hold some shared, tacit meaning for officers. In one encounter from Ipswich, for example, an officer spoke sternly to a group of three teenagers standing next to a car, because a "poor old boy" had had paint poured over his car the previous night. There was a shared and unspoken assumption between the two officers. After the encounter, the first officer was seen to think aloud about whether he recognised one of the teenagers. Officers often presumed that the people they recognised were offenders they had previously had contact with. The second officer assumed that the first officer was thinking about black teenager, rather than the two white boys.

[Officer 1] wonders about the identity of one of them. 'The black one?' asks [Officer 2]. 'Yes' says [Officer 1]. (Obs/IP/L1)

It was possible Officer 2 may also have recognised the black teenager from a previous contact, although there was no indication given that this was the case.

Previous research in England & Wales has pointed towards officers having a heightened sense of suspicion towards black people (Holdaway 1983; Smith and Gray 1985; FitzGerald and Sibbitt 1997). There were a small number of examples from the observations where race was seen to act as more of a pivotal signal in the decision to initiate an encounter. In these examples, the presence and role of other signals in the decision-making process was, at best, ambiguous.

The strongest example of perceived race acting as a trigger for police action occurred during a quiet night shift, which gave the officers much greater discretion. Race appeared to be central to the decision to carry out the stop because it was identified early in the build up to the encounter, was accompanied by the use of racist language, and because being a 'Rasta man' warranted closer inspection regardless of any other signals. The researcher did not identify any other cues for police suspicion (there was no suggestion the occupants had been drinking until the vehicle was stopped).

1.55. Follow blue Fiesta. 'Rasta man, worth a look', says [an officer]. Four in car. One white woman, the others – black men all drinking. Have quick word with the driver: 'Where are you going? Where have you been? Have you been drinking?'... The sergeant jokes that they have to fill in the form because of [the researcher], but they don't. (Obs/LC/L4/7)

It was common practice in the city centre to stop cars late at night which contained 4-5 people. There was a shared view among officers that the passengers were being driven home after a night out, and the driver might have been drinking (despite the fact it was widely recognised that people would nominate a driver to not drink during an evening out).⁸

The second example was more ambiguous. Three black men were searched as part of the s60 operation in Leicester (see Box 1). However, it is only possible to make tentative conclusions about why the searches were carried out because the build up to the searches was not directly witnessed.

We drive around. It is a lot quieter now – people have disappeared quickly [after the clubs closed]. 3.10am. Call for service about a fight – we attend, but [we find] three young black men [already] being searched. There are about seven officers there... The sergeant later turns to me and says they were being searched because they were looking for trouble... 3.45 meal break. There is some bragging about who got arrests and how many PIs [search forms] had been done. [One officer] boasted that he did 12. [Another officer], a keen probationer, talks about the search of the three black men: 'They were staring me out, so I decided to search them'. (Obs/LC/N4)

The large number of police involved in the operation, the increasing lack of action, the 'enabling' legal environment, and competitive canteen culture seemed to encourage officers to conduct searches based on low levels of suspicion. Many searches were observed for fairly minor public order offences and being in 'contempt of cop'. In this specific example, it was not entirely clear what prompted the officers to conduct the searches. Race may have been a relevant to the decision in the absence of concrete evidence about the men's involvement in public order. Despite the initial radio call, there was no suggestion that the men had actually been involved in a fight; particularly as it was said they had been looking for trouble and had stared out the officer.⁹

Other examples were even less clear-cut. In Ipswich, officers saw two black men sitting in a vehicle in an empty car park behind a block of flats. There was no indication of any criminal activity. The ensuing encounter was good humoured and could almost been seen as welfare check, although the men were asked: 'Do you live here?' Unlike similar encounters in other sites, the location was not known for drug-taking or prostitution. Thus, the early identification of the occupants as black raises the possibility that perceived race may have played some role in the officers' decision-making. After the encounter, the officer commented on the thick Caribbean accents of the two people: "Love that accent".

The absence of other signals was similar to another encounter, which raised the possibility that race have been relevant to the decision-making process. Again in Leicester, an Asian man was stopped in a car at 1.25am and breath-tested. The researcher could not make out the reason for the stop, but noted

⁸ The same officers stopped a car earlier that evening containing four young black men grounds in similar circumstances. Perceived race played more of an ambiguous role in the decision to stop the car because the driver had committed a traffic offence. However, there was a suggestion of selective enforcement. The officer said "it was 'lucky' that they had gone through the red light because he was going to stop them anyway" (Obs/LC/L4/5).

⁹ The probationer's comment in the canteen should not be taken at face value as he may have been playing to the audience. The policing literature highlights a tendency amongst officers to glorify action and excitement (Waddington 1999; Smith and Gray 1985).

the perceived race of the driver: “I am a bit confused as to why [the car] is being pulled – I suspect it is because it is quiet” (Obs/LC/N2/1). It was not known whether the police were aware the driver was Asian before the stop was initiated.

Interactions between the police and the public

While a person’s perceived race may have heightened police suspicions, it did not appear to affect the nature and flow of the police-public encounters to any great extent (although an observer effect is possible). In general, interactions between the police and people from ethnic minority groups were well-handled, and broadly similar to those involving white people. This finding was consistent with other observational research from the UK (Norris *et al.* 1992).¹⁰ There was, however, one incident from Hackney where a person was possibly handled in a more violent way because he was black.

Two officers were observing attending a radio call which involved two men who were reported to be wandering in and out of traffic on a main road. The officers stopped and questioned two drunk men – an old white man and a young black man. During the encounter, the black man remained calm and polite compared with his older, white friend. One of the officers barked instructions repeatedly to the white men because he failed to listen, and who was also held back at one point for approaching the observer. The two men were told to walk home in separate directions, but they failed to comply with the instruction and were found to be in ‘contempt of cop’. While one of the officers lost his cool with both men, his reaction to the black man was much more hostile for no apparent reason.¹¹

The black man then starts to wander back in the other direction [to the one he was ordered to follow]. [The officer] runs up to him and pins him against the wall. He is being pointed at aggressively, held with his chest, and being talked at sternly. I don’t hear exactly. I am surprised when [the officer] pushes the man’s chin back firmly – rather like a slap. He is then pushed in the direction he has to walk off in. (Obs/HK/N2)

While the uniqueness of the incident precludes firm conclusions being made, the differential use of force suggested the person’s perceived race may have been an influence on the officer’s behaviour. The officer involved in the incident was perceived by the observer to be cold and aggressive in his approach at other times.¹²

It is worth noting that the style of policing in Hackney, overall, was found to be more confrontational than in the other research sites. There were several examples where officers were observed to act in an antagonistic way towards people from the local black community, using language that drew attention to the perceived status of the police as a ‘racist oppressor’.

[An officer] sees a group of black kids near the estate who he thinks are taking the wheels off a car... [He] realises it is their vehicle and so starts to walk back to the police car... There is another group on the estate who are shouting things to the police during all this – nothing offensive – just: ‘Here are the boys in blue’. Unnecessarily, the male officer shouts back: ‘We are in black and white, stupid’. And more quietly: ‘We are the Babylon’. (Obs/HK/N3)

Hackney officers were perhaps more inclined to display a ‘them-and-us’ mentality, view the police as an ‘occupying force’, and hold negative stereotypes:

[Officer 1] and [Officer 2] share a joke which involves them saying ‘I is the Babylon’ in a Jamaican accent. [Officer 1] also comments that there are going to be a lot of robberies tonight because there are people in the streets and getting ‘pissed up’. I think this comment may have

¹⁰ The officers accompanied on patrol were selected by their sergeant or inspector on a non-random basis, allowing for the possibility of a biased sample.

¹¹ Parallels can be drawn between this example and the beating of a suspect in the back of police van described by Fielding (2006). His explanation for not reporting the incident captured the dilemma often experienced by observers who have to weigh-up the nature of the offence, the likelihood of successful disciplinary action, and the risk of fieldwork cooperation being withdrawn.

¹² He later made an aside about “taking a claw hammer” to a distressed drunk woman who had been abusive to a receptionist at a police station. The observer described the remark as “disturbing and nasty” (Obs/HK/N3).

been made because we just drove past two black man who were hanging about by a fence not too far from a pub. (Obs/HK/N3)

[The officer] noticed some lads with Afro-style hair. She said she couldn't understand them growing it like that as it looked like a 'microphone'. (Obs/HK/L3)

It should be noted that the above encounters were the exception. Encounters involving people from ethnic minorities were not generally found to play out in more negative ways than those involving white people, and there were instances observed where officers used their discretion positively.

CONCLUSIONS

The purpose of this paper has been to examine the role of race and ethnicity in the formation of police suspicions in England and Wales. Rather than review the evidence on all the possible drivers of disproportionality, the paper has specifically explored whether everyday work practices might contribute to racial disparities in stop and search. The qualitative evidence gathered as part of this in-depth study has presented a complex and possibly frustrating picture. Overall, it would appear that race and ethnicity were important features within officer decisions to initiate contact with members of the public. However, definitive evidence that stops and searches were carried out *principally* because a person was thought to be from a minority ethnic group was difficult to pin down.

Only a very small number of examples were observed where the perceived race of the suspect could – on its own – have directly prompted the encounter. In some of these cases, the role of race has been inferred on the basis that no other signals appeared to the observer to be present that could have justified the officers' actions. The presence of other signals alongside the suspect's perceived race in many of the encounters meant that it was difficult to precisely tease out whether race could have sensitized officers to these signals or shored up their initial suspicions. It is quite likely that many of the other signals used by officers in the formation of their suspicions – even if not overtly related to race by the police themselves – could make a contribution to disproportionality. The focus on sports clothing, young men, 'regulars' and signals related to class status could all indirectly increase the likelihood of people from ethnic minorities being stopped and searched (and could even act as proxy signals for targeting these groups).

There was some evidence that the overt use of racist language had all but disappeared from the police service (with the notable exception of gypsies in one site). Nevertheless, the fieldwork showed that officers still held stereotypes about different ethnic groups in terms of offending level and patterns. While officers were usually careful to contextualise their views, national research might suggest some of their attitudes could have been over-stated. Of course, there is no *automatic* link between attitudes and behaviour, but the presence of racial and non-racial stereotyping in police talk points to the *potential* for bias to exist in police stop and search decisions. The way suspect descriptions were seen to be interpreted and used seemed to be central to police practice. While the contribution of suspect descriptions to stop and search probably varies between forces, there was some suggestion that information about suspects is likely with street robberies (and other contact crimes) which could shape who is subject to police attention. The vagueness of many descriptions also seemed to result in officers having quite wide discretion. In some cases, calls for service enabled officers to rely on fairly generalised suspicions, and because race was seen as the most reliable signals in a description, could have contributed to disproportionality.

Finally, there was some tentative evidence to suggest that the legal and organisational context framed the decision-making process around stop and search. Given the imprecision and elasticity inherent in how reasonable suspicion is defined, officers' understanding and application of the rules was inevitably found to vary. In many cases, searches were seen to be carried out with relatively low levels of suspicion, based on typifications and rules-of-thumb rather than specific evidence that people were likely to have prohibited items on them. Furthermore, the completion of encounter records after the event enabled officers to present a version of events that was difficult to challenge. In

addition, the more immediate organisational setting where officers work also seemed to shape how they exercised their discretion, and had the potential to foster a more confrontational and enforcement policing style.

The fact that the legal framework and organisation setting were seen at some points to constrain officer behaviour might hold some clues as to how police stop and search practices might be better regulated in the future. The fieldwork showed that officers became more conscious of the formal rules in particular circumstances. A more cautious approach seemed to be adopted when officers thought they were more likely to be complained against, or that the use of stop and search was not seen as the most effective way of dealing with local problems. Crucially, this more cautious approach was triggered by the officers themselves, rather than by any change to the rules. Given that the rules will always be open to interpretation (however well specified they are) and that the work of frontline suffers from low visibility, interventions that actively encourage self-regulation might be beneficial. Research on organisational justice has shown that workers are more likely to adopt the organisation's values, and comply with its policies, when they perceive supervisors and senior managers to be fair in their use of procedures and treatment of staff (Colquitt 2008). This finding could have far-reaching implications in police departments that currently adopt a command-and-control style of management.

In England & Wales, attempts to improve stop and search practice have tended to rely on tightening the rules or training officers in the law. A recent review of 'what works' in securing behaviour change and training has indicated a different approach may be needed (Wheller and Morris 2010). The passive dissemination of guideline and rules, and traditional classroom based approaches to training, were not found to be effective. Overall, multifaceted and more active interventions (e.g. educational sessions, peer-to-peer discussions), and training that was integrated into routine work practice, were found to be much more effective at changing individual's attitudes and behaviour. With these findings in mind, recent innovations in police training on both sides of the Atlantic (in Chicago and Manchester) might prove to be helpful in the longer term. The forces have introduced or are introducing training programmes that seek to improve police-public interactions in general. Both programmes involve officers participating in role-play scenarios, reviewing video-tapes of these interactions, and receiving personalised feedback from a tutor. Early findings from Chicago are encouraging and suggest the programme has been effective in the short term at improving officer attitudes and encouraging them to use alternatives to law enforcement to deal with minor incidents (Schuck and Rosenbaum 2011). While the training does not specifically seek to improve stop and search practice, a similar intervention designed to give officers *practical skills* in forming suspicions, initiating contact, and handling encounters could have similarly positive results.

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APPENDIX

Police-initiated encounters with the public broadly fall into three categories:

- **Stops** – Police officers may stop and speak to members of the public as they go about their ordinary duties. Unless the person is in a vehicle, no power is invoked and the encounter is entirely consensual. Following the Stephen Lawrence Inquiry, police officers were required to record all stops where they asked a person to provide an account of who they were or what they were doing. The government requirement for officers to record these encounters was recently removed.
- **Reasonable suspicion searches** – Under numerous pieces of national legislation, officers can detain and then search a member of the public if they have reasonable grounds to suspect that person is carrying a prohibited item (e.g. stolen property, offensive weapons, drugs, and items that could be used to steal or cause damage). The use of these search powers is regulated by the *Police and Criminal Evidence Act 1984* Code of Practice. The grounds for a search must be based on the “facts, information and/or intelligence which are relevant to the likelihood of finding an article of a certain kind” (Code 2003: para 2.2). Thus, reasonable suspicion is supposed to be objective, specific, and individualised, and cannot be based on a personal characteristics and stereotypes. Reasonable suspicion is also the evidential standard required for an officer to make an arrest.
- **Authorised searches** – Under s60 *Criminal Justice and Public Order Act 1994*, an inspector (or above) may authorise officers to conduct searches for weapons in a specific area for up to a 24 hour period where there it is reasonably believed that serious violence will occur in order to prevent incidents of public order. Under the authorisation, officers do not have to have reasonable grounds before conducting a search. This power is to be subject to judicial review later in the year.¹³ In January 2010, the European Court of Human Rights ruled that that a similar power which enabled the police to search for items for use in terrorism (s44 *Terrorism Act 2000*) was unlawful. The power was subsequently withdrawn.

Two approaches have been used by the police to record the perceived race or ethnicity background of the member of the public who has been stopped or searched:

- **Officer-defined race** – Police officers can classify members of the public using a series of Identity Codes (IC) based the appearance of the person. The IC codes used during the study were: IC1 White European, IC2 Dark European, IC3 Afro-Caribbean, IC4 Asian, IC5 Oriental, and IC6 Arab.
- **Self-defined ethnicity** – In line with changes to the Census, police officers were expected to ask members of the public how they would define their own ethnic background against a list of 16 categories. This list could be collapsed into a five point scale: Asian or Asian British, Black or Black British, Chinese and Other background, Mixed background, or White.

The levels of disproportionality for these search powers are presented in Table 1.

¹³ <http://www.guardian.co.uk/law/2011/jul/08/racist-stop-search-powers-challenge>

Table 1. Disproportionality ratio by search power and object of search (England & Wales, 2008/09)*

	Self-defined ethnic group			
	Black or Black British	Asian or Asian British	Mixed	Chinese or other
Search power				
Reasonable suspicion powers	8	2	3	5
s60 (public order) power	9	2	3	1
s44 (counter-terrorism) power	13	7	4	6
Object of search (reasonable suspicion searches only)				
Criminal damage	2	1	2	2
Drugs	9	3	3	5
Firearms	14	2	3	6
Going equipped	4	1	2	3
Offensive weapons	18	3	5	8
Stolen property	6	1	3	5
Other	2	1	2	4

Source: Ministry of Justice s95 ethnic monitoring data.

*The disproportionality ratio compares the rate of recorded searches (per 1,000 residents) for people from minority ethnic group with the rate for white people. The resulting figure represents the level of disparity between the two groups (1 = parity).