

**Stop and Search Complaints
(2000 - 2001)**

**A Police Complaints Authority Study
Summary Report**

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March 2004

Published by:

The Police Complaints Authority

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www.pca.gov.uk

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ISBN 0-9543215-5-3

Price £5.00

Pub/B/118

Cover photographs courtesy of Merseyside Police.

Cover designed by Evans May Partnership.

Acknowledgements

We would like to acknowledge the contribution made to this report by Jacqui Farrell, the PCA's Research Administrator. She spent considerable time and energy gathering all the case files and collating data for inclusion in the project.

We would also like to thank the many Caseworkers and Authority Members for their support, guidance and patience during both the data gathering and reporting stages. We would particularly like to thank Ian Bynoe, Wendy Towers, Sally Hawkins and Richard Offer for their comments and suggestions to our early drafts.

Particular thanks are also due to Stella Yarrow, Michael Ainsworth, and Andy Myhill from the Home Office for offering their thoughts and guidance during the drafting stage of this report.

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Introduction

It is important to recognise stop and search powers as effective and valuable components of police practice. According to Home Office statistics, there were 686,114 stop and search incidents recorded in 2000/2001, of which 14% resulted in an arrest (n=96,056). Stop and search accounted for approximately 7.6% of all notifiable offence arrests in this period (Home Office, 2002).

Lustgarten (2002) described stop and search as ‘an investigative power’ utilised for crime prevention, while FitzGerald (1999) has argued that stop and search makes a considerable contribution to the detection and prevention of certain types of crime. Miller, Bland and Quinton (2000) identified three methods through which stop and search may have a positive impact on crime and offending. First, since stop and search may reveal concealed weapons, drugs or other prohibited items, they argue that further crimes of violence, drug supply and other crimes such as theft and burglary are prevented. The second feature is the targeting of prolific offenders. They quote Jordan (1998) as offering evidence of the long-term disruptive effect such intense police focus has upon the offending behaviour patterns of these offenders. Finally, they argue that stop and search has a positive role through its contribution to order maintenance (Miller, Bland and Quinton, 2000).

However, there have been long-standing concerns about these powers. It was clear from studies carried out in the pre-PACE era that there were problems. Reports produced by both Willis (1983) and Smith (1983) revealed that officers frequently did not adhere to the ‘reasonable suspicion’ requirements attached to these powers. They also found that the application of these powers was disproportionately applied to members of the black and minority ethnic (BME) community. These findings were compounded by Lord Scarman’s (1981) report into the Brixton Riots, in which he emphasised the damaging consequences of ethnic disproportionality in stops and searches (Miller, Bland and Quinton, 2000).

The power to stop and search a member of the public is a powerful policing tool, which, when inappropriately or insensitively applied, can have lasting consequences for the person stopped (Stone and Pettigrew, 2000), the wider community and the police service itself. Bowling and Philips (2002) are particularly critical of the disproportionate application of stop and search powers against young black, and increasingly Asian males, and describe this disproportionality as “the most glaring example of an abuse of police powers” (2002:138).

Stone and Pettigrew (2002) found that the way in which stop and search interactions are currently being conducted cause “...distrust, antagonism, and resentment...”, but found that respondents from all ethnic groups were supportive of stop and search in principle. Recent

Home Office research carried out by Miller et al (2000) reported stop and search as having a negative impact on confidence in police / policing for those individuals who had been stopped and searched. Furthermore, they found that relations between the police and ethnic minority communities tended to be poorer as a result of the disproportionate exercise of these powers.

One area in which this dissatisfaction is likely to be expressed is in complaints against the police. In the target period of 2000/01, the total number of complaint cases against police officers referred to the PCA in England and Wales fell by 4% to from 9,243 to 8,880 (representing 18,058 separate complaint matters). As a result, officers faced misconduct charges for 225 of these allegations, admonishments or advice for a further 884, and written warnings in relation to an additional 48 allegations (total 1,157).

In this report, two research studies are outlined, an initial preliminary pilot investigation, involving a cursory analysis of fully investigated complaints, followed by a comprehensive analysis of 100 complaints. These complaints arose from 96 separate stop and search incidents involving 98 complainants, recorded between the 1st of April 2000 and the 31st March 2001. In total, 298 separate complaint matters were identified and 231 police officers were subject to investigation. However, before assessing the main study, a brief summary of the pilot project will be presented.

Study 1: Pilot project (1999-2000)

The pilot project examined 89 fully investigated cases arising from police stops of members of the public, involving 116 separate incidents and a total of 210 individual complaint matters. In particular, the study focused on the issues of police discretion in initiating stops and searches, the characteristics of the complainants (in terms of age, gender, ethnicity and location) and of the officers, and the outcomes of the complaints. The 89 complaint cases included in the study constitute 1.1% (89/8305) of all such cases considered by the PCA in the target period.

Gender: Seventy-seven (87%) of the 89 cases examined were from men and 12 (13%) from women, compared with a total for all PCA complaints of 76% from men and 24% from women over the target period from 1st of April 1999 until the 31st of March 2000.

Ethnicity: Within the study, 29% (n=26) of complaint cases about stop and search were from black complainants, compared with 13% of all complaint cases to the PCA in the target

period. 41% of the cases in the study were from minority ethnic groups compared with 23% of all complaint cases received by the PCA in this period.

Nature of the incidents: Of the 89 complaints, 41 (46%) concerned stops only, 41 (46%) were for stops and searches, 5 (5.6%) related to searches of a car and 2 (2.2%) were for searches of individual and car. All the complaints about searches of cars were from white complainants. While 22 of the white complainants were stopped only, this was the case for 10 (38.5%) black complainants. In contrast, six of the seven Asian complainants had been stopped only.

Police use of discretion: Of the 116 incidents included, officers used high discretion¹ in 77% and low discretion in 23%. When level of discretion is examined by ethnicity, all the stops of Asian people were based upon high discretion. However a higher percentage of stops of black people than for any other group were based on either police intelligence or information received from members of the public.

There was a strong relationship between the level of discretion used in the stop and reason given by the officer as can be seen from Table 1, with high discretion significantly more likely to be used for driving offences than for other offences ($p < 0.01$):

	High discretion (n=61)	Low discretion (n=28)	Total
Driving	36 (59.0%)	7 (25.0%)	43
Drugs	9 (14.8%)	4 (14.3%)	13
Burglary	1 (1.6%)	-	1
Theft	2 (3.3%)	10 (40.0%)	12
Assault	-	1 (100%)	1
Weapon	2 (3.3%)	2 (8.0%)	4
Suspicious manner	6 (9.8%)	2 (8.0%)	8
Other	5 (8.2%)	3 (12.0%)	8
Total	61	25	(90) ²

Table 1. Reason for stop by level of discretion employed by officers

¹ Officers can either use 'high discretion' which are stops undertaken on the officer's own initiative, or 'low discretion' which is a stop based on information received.

² In one case more than one initial justification was given, therefore total exceeds total number of complaints count by one.

One possible explanation for the above results is that officers require ‘reasonable suspicion’ to stop people under PACE, whereas stops under the Road Traffic Act do not require the specification of grounds. There was no discernible relationship between the reason for the complaint and the level of discretion used, or between the level of discretion used and the likelihood of a complaint involving allegations of racism.

Reasons for the stop: The most common principal reason given for the stop related to driving (43/89 main reasons; 48.3% of the reasons reported), with the next most common relating to drugs (n=13), theft (n=12), suspicious manner (n=7) and weapons (n=4). Other reasons for the original stops were burglary, threats, ‘going equipped’ and assault.

The ethnicity of complainants as a function of the officers’ reported reasons for the stop are given in Table 2 below:

	White (n=52)	Asian (n=7)	Black (n=26)	Other (n=4)	Total
High Discretion	38 (73.1%)	7 (100%)	13 (50.0%)	3 (75.0%)	61
Low Discretion	14 (26.9%)		13 (50.0%)	1 (25.0%)	28
Total	52	7	26	4	(89)

Table 2: Level of discretion used by the police as a function of the ethnicity of the complainant

Reasons for the complaint: The highest proportion of complaints related to the conduct of an officer during the stop. Over one quarter of complaints related to allegations of incivility and oppressive behaviour by officers. In many such incidents, where the exchange occurred between an officer and a complainant without witnesses, there are fundamental problems in substantiating the complaint.

Reasons for complaint as a function of the ethnicity of the complainant: Only 1/52 white complainants (1.9%), compared with 4/7 Asian complainants (57.1%), 14/26 black complainants (53.8%) and three out of four complainants of other ethnic origin alleged racist behaviour. Black complainants were less likely to complain about ‘incivility’ (4/26; 15.4%) than either white (20/52; 38.5%) or Asian (3/7; 42.9%) complainants. There were no other clear relationships between the reason for the complaint and the ethnicity of the complainant.

The main reasons given for making a complaint are shown below as a function of the ethnicity of the complainant (see Table 3):

Ethnicity of Complainant	Incivility / Oppressive Behaviour	Assault	Unlawful Stop	Racism	Unlawful Arrest or detention	Failure to inform of right	Harassment	Other	Total
White	35	28	16	1	11	2	4	9	106
Black	11	10	12	17	4	4	4	13	75
Asian	4	4	1	4	-	-	-	1	14
Other	6	2	2	3	2	-	-	-	15
Total	56(27%)	44(21%)	31(15%)	25(12%)	17(8%)	6(3%)	8(4%)	23(10%)	(210)

Table 2. Reasons for complaint by ethnicity of complainant

A total of 25 complaints included allegations of racist behaviour by officers. These allegations ranged from an officer making an overtly racist comment to the complainant perceiving that they were stopped because of their ethnicity.

Reasons for substantiation of complaints and for failure to substantiate: Of 89 complainants, seven had some of their complaints substantiated, involving a total of nine substantiated complaints – five for incivility or oppressive behaviour, two for unlawful stops, one for an unlawful arrest and one for assault. Four officers were given advice, two were given admonishments, two were given reprimands or cautions and one officer was required to resign.

In 57% of incidents (66/116), the reason given for non-substantiation was that there was insufficient evidence. In 20% of the cases, there were no witness statements, either because there were no witnesses available or they did not wish to give evidence. A further 11% involved witnesses who were relatives or friends of the complainant and who were not deemed to be sufficiently independent to substantiate the allegations to the standard of proof required. There were only two cases in which CCTV evidence was available, both of which supported the officers' accounts and refuted the complainants' allegations.

Overview

In only seven of the 89 cases included does the investigation result in even partial substantiation of the complaint. Bowling and Philips (2002) have argued that “perceived and

actual ineffectiveness in the police complaints procedure and ‘fear of themselves being criminalised or harassed’ (Institute of Race Relations 1987) have led victims of alleged police misconduct increasingly to forgo the official complaints procedure and instead to take civil court proceedings for damages against the police” (Bowling and Philips, 2002: 166). As Young (1994) has pointed out, stops and searches occur outside police stations and are more difficult to supervise, and they are particularly difficult to assess retrospectively in investigating complaints. In almost half (46%) of the cases in which complaints were not upheld, this failure resulted from a lack of evidence or from the absence of witnesses, with a further 11% resulting from a conflict of evidence.

This is particularly worrying as ethnic minority complainants in the study exceed both population rates and the overall ethnicity rates for those stopped and searched in the target period of 8% black, 4% Asian and 1% other non-white populations (ONS, 2000). They also exceed the overall ethnic minority rates of complaints received by the PCA. This is particularly worrying when such a high proportion of the cases are based on high levels of officer discretion.

However, conclusions are inevitably limited from a pilot study that involved only a summary analysis of data, and the main study, presented below, considers these themes in considerably more detail using a more recent sample of cases.

Study 2: In-depth analysis of PCA stop and search complaints, 2000-2001

Study method

The data are drawn from the first 100³ such complaint files received by to the PCA from between April 1st 2000 and March 16th 2001. All complaints registered between April 2000 and March 2001 and having ‘stop person’ or ‘stop vehicle’ markers were reviewed. Once files were identified, a pilot study of 10 cases was carried out to establish inclusion criteria, and to develop a standardised research pro forma for case analysis.

Results

The initial section examines the demographic characteristics of the complainants, followed by an analysis of their complaint. The following section deals with the stop and search interaction itself, the conduct of the stop, escalation to searches and their outcome. The next section examines the behaviours subject to complaint, followed by an assessment of post-

incident matters, such as the police investigation and CPS referral. The penultimate section deals with the characteristics of the officers and the final section examines the complaint outcomes.

Who complained?

Complaints about stop and search were far more likely to be made by men (85.0%) than women, who accounted for only 15% of the study complaints. Half of all complainants were white (49.9%), 40.0% were black (n=40) and 8 were Asian (8.0%). An individual of mixed race recorded a further complaint. The ethnicity of two complainants was unrecorded.

The mean age of complainants was 31 years with a range of 14 to 69 years. There are marked differences in ethnic breakdown between the study population and all complaints received by the PCA in the same period, with a markedly greater proportion of stop and search complaints coming from black complainants (see Figure 1).

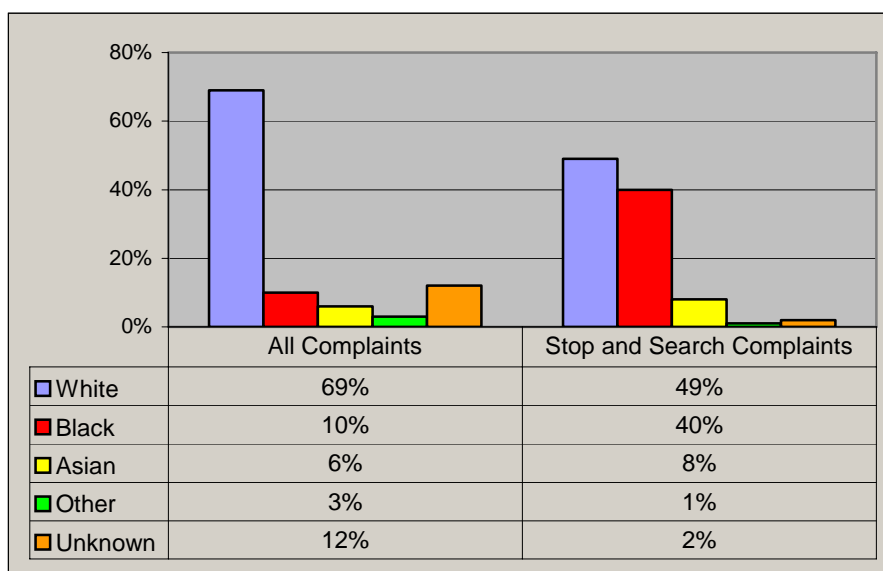


Figure 1. Ethnicity of complainants (All complaints vs. stop and search complaints) 2000 – 2001

(Source – PCA Annual Report 2000 - 2001)

How many separate incidents were complained about?

In the majority of cases (89/100), the complaint related to a single interaction between the complainant and the police, however in 11% of cases (n=11) the complaint related to multiple interactions. In all but one of these cases, the complaint was regarding two separate stops by the police. The final complaint is concerned with numerous unspecified stop and searches

³ Some files were unavailable due to archival problems. Therefore analysis based upon first available 100 files from the period April 2000 – March 2001

carried out on one individual by a range of officers from one particular station, in addition to a number of chance encounters between the complainant and one divisional officer over a course of several months.

Multiple complainants

In the majority of cases, there was a single complainant for each interaction (89/100). However, in a small number of incidents more than one member of the public raised a formal complaint. In the 11% of cases involving multiple complainants there were five incidents with five complainants, four incidents with three complaints and two incidents where two individuals registered formal complaints.

Basic details of the initial stops

The complainants were travelling on foot when initially stopped (56/100), by motor vehicle (n=43) or by pedal cycle (n=1).

In 13/39 cases, the complainant matched the description of a suspect that had been provided by a number of sources (members of public, victims of crime, security staff, social services etc). The initial justification for the stop can be classed as:

- Intelligence (39 cases)
- Suspicious behaviour (27 cases)
- Traffic irregularities (26 cases)
- Other (8 cases)

What was the outcome of the stop?

In over a third of the cases reviewed, the initial stop resulted in arrest (n=38). At this stage, the most common reason for arrest was for public order offences (n=10, 26.3%), followed by drug offences⁴ (n=8, 21.1%), theft and kindred offences (n=5, 13.2%) and traffic/ drink drive offences (n=5, 13.2%). Three individuals were arrested on outstanding warrants (7.9%) and offences against the person (7.9%). The final four individuals detained at this point were arrested or detained for 'other' reasons: under the Mental Health Act (1); for criminal damage (1); related to immigration (1); and for firearms offences (1). Of the 62 individuals not arrested following the initial stop, officers recorded the stop as 'satisfactory' or 'no offences' in twenty cases and the complainant was allowed to leave. In the remaining 42 cases the officers escalated the stop to a search.

⁴ This category includes individuals who have been detained for a drug search at the local police station under the Misuse of Drugs Act 1971

Searches

Officers gave a range of justifications for the decision to escalate the stop to a search. The most frequently cited reasons for searching were; belief that complainant was concealing either a weapon or drugs about their person (n=12) and available intelligence (n=12).

An example of an 'intelligence-led' search was the officers' understanding that the occupants of the vehicle stopped were both known drug users and dealers.

Conduct of the search

In 11 of the 42 cases (25.6%), the officers recorded the search as having been conducted on a consensual basis. Searches were carried out in a variety of locations, the most common being 'a public place' (n=29, 67.4%) followed by police vehicles (n=8, 18.6%). Five drug searches were carried out in police stations (n=5, 11.6%) and one search (an intimate search) was carried out at a nearby hospital. One complainant was searched in three separate locations.

What was the outcome of the search?

For over two-thirds of those searched (31/42), the outcome was recorded as 'no offences' and no further action was taken (n=31, 73.8%). A further 10 individuals were arrested (23.8%) and, in the final case, although the search revealed a small quantity of cannabis, the officers disposed of it down a drain and the complainant was not detained. Of the 10 complainants who were arrested post search, seven were arrested for drug-related offences, two were arrested for offences relating to firearms or offensive weapons, and one was arrested for a public order offence.

In eight of the cases where the complainant was searched (18.6%), concerns were voiced regarding how the search was conducted. In total, 14 separate issues of concern were raised. The nature of concerns raised included two complaints of assault whilst being searched, two allegations that officers either damaged or mishandled property, six complaints that officers were aggressive, uncivil or behaved in a mocking/humiliating manner towards complainants, and four allegations of officers abusing their authority, failure in duty or breaches of PACE Codes of Practice.

Nature of the complaint

The study cohort contains 98 complainants⁵ who raised a total of 298 separate complaint matters. The mean number of complaints per complaint file was 2.98 (range 1-16).

Over two-thirds of all complainants were unhappy with the manner in which the stop was conducted (63.0%). Many complainants reported officers as being oppressive (n=32) or

uncivil (n=34) towards them whilst conducting the initial stop. 44% of complainants alleged that some form of assault had occurred during the stop or search incident. Ten allegations of serious non-sexual assault were made with a further four complaints of sexual assault.

One-quarter of all complainants raised concerns about the officers' justifications for the initial stop being conducted. For example, seven complainants reported that the decision to stop them was racially motivated. A fifth of complainants alleged that they were subjected to racial discrimination during the interaction (19.0%), whilst a further 19% complained of officers breaching the provisions of PACE Code A. Nineteen complainants alleged that their arrest or detention had been unlawful or unnecessary.

Further complaints of failure in duty were recorded eight times, traffic irregularities five times, and 'other' behaviour was recorded seven times.

Investigation characteristics

1. PCA Supervision

The home force of the officer(s) subject to complaint carried out an internal un-supervised investigation in 84 of the 100 cases. In the remaining 16 cases, involving more serious allegations, a PCA Member supervised the investigation.

2. Referral to the Crown Prosecution Service (CPS)

Files were referred to the CPS to consider criminal charges in just under a third of cases (31/100). In 29 of these cases the CPS decided that based on the evidence available it was unlikely that a criminal conviction could be secured. In the two remaining cases the CPS decided that there were no criminal actions to consider in one and that there were sufficient grounds to warrant criminal proceedings in the other. In this final case, the officer was charged with indecent assault, tried before the crown court and acquitted.

Officer Characteristics

In total, 231 officers were involved in the complaint allegations made. Thirty-five complaints involved one officer, 31 involved two officers, and in 14 cases three officers were involved. The remaining 20 complaints involved four or more officers (range 4-7). Almost all of the officers complained about were uniformed officers (n=194, 84.0%).

In one case, the officer complained about was off duty at the time of the incident and in a further six cases the status of the officers was not recorded on file.

⁵ Two complainants both made two complaints about two separate and unrelated incidents.

Of the 231 officers subject to complaints, gender was recorded for only 118 (51.1%). Of those recorded, 85.6% were male. Of the 163 officers for whom information on rank was available, the majority were constables (n=149), 13 were sergeants and one was an inspector. The mean age of officers was 35 years, with a range of 23 to 48 years, and they had a mean length of service of 10 years (range = 1 - 22 years). At the time of the complaint investigation, two officers had previously substantiated complaints recorded against them⁶.

As a result of the stop and search complaint, six officers were given 'advice' and two were reprimanded. A further officer received a caution. In the final substantiated complaint, the officer declined to accept the disciplinary charge sanction and went before a disciplinary panel where the charges were found unproven.

Outcome of the complaint

In 26 of the 100 cases examined, a dispensation⁷ was granted by the PCA. Of the remaining 74 cases, in only eight cases was the complaint substantiated. In four of these, the complaint was fully substantiated and in the remaining four cases only partially.

Outcomes by characteristics of the complainant

1. Location and the MPS

35% of all stops reviewed in this study were carried out within the Metropolitan Police Service area, 67.6% of which involved people of black ethnic origin.

Complaints made about incidents occurring in the Metropolitan Police area had higher mean numbers of complainants per incident (mean = 1.8) than in all other forces combined (mean 1.0; $p < 0.01$).

The Metropolitan Police Service was granted dispensations in 40% of all their cases (n=14), this rate was over twice that observed in all other forces (n=12, 18.5%)($p < 0.05$). Furthermore, their substantiation rate for stop and search complaints (2.9%) were three times lower than was found in all other forces combined (10.8%).

Over half of all complaints against the Metropolitan Police officers related to allegations of incivility (51.4%), twice that found in all other forces (24.6%; $p < 0.01$).

⁶ In both cases the officers previously substantiated complaints were considered of a similar nature to the complaint currently being investigated

⁷ The PCA has the power to grant a dispensation releasing the investigating force from their statutory duty to conduct an investigation into a complaint when there is evidence of vexatious complaint or where the complaint declines to co-operate with the investigation into his or her allegations.

2. Ethnicity by outcomes

White complainants were significantly more likely to have their complaint referred to the Crown Prosecution Service for consideration of criminal charges (n=24, 49.0%) than their black counterparts (n=6, 15.0%)(p <0.001). In the only case where criminal charges were pursued against officers, the complainant was white.

3. Ethnicity by justification and stop

In 25 of the 100 cases, issues relating to officer justifications for stopping the complainant were raised. The majority of these complaints were made by black complainants (n=18) who were significantly more likely to raise concerns regarding the officer's justification for stopping them than complainants from any other ethnic group ($p < 0.001$).

White complaints (51.0%) were twice as likely to be arrested as a result of the stop alone than black complainants (25.0%), which was statistically significant ($p < 0.05$), but escalation of a stop to a search was significantly more likely for black complainants ($p < 0.05$).

White complainants were twice as likely to complain of assault (59.2%) than black complainants (27.5%) ($p < 0.01$). Complaints regarding breaches of PACE Code A were significantly more likely to be made by black (68.4%) than white (21.1%) complainants ($p < 0.05$).

Overview

Summary of main findings

Ninety-eight complainants raised a total of 298 separate complaints involving 231 police officers. Typically, complainants were male, in their early 30's and of white (49.9%) or black (40.0%) ethnic origin. In nearly 40% of incidents, the stop alone resulted in arrest whilst a further third were escalated to a search. The majority of complainants were dissatisfied with the way in which officers conducted the stop and/or search and around a third alleged that the officers were uncivil or behaved in an oppressive manner. Almost half alleged that officers assaulted them during the incident.

Comparison between main study and total complaint populations

The data presented in the main study represents just over 1% of the 8,880 complaint files received at the PCA between April 1st 2000 and March 31st 2001, and so extrapolations must be made with caution. Stop and search complainants are broadly similar to the general complaint population in terms of age, although complaints relating to stop and search were slightly less likely to be made by females than other types of complaints against police (stop and search – 15%; all complaints 23%).

However, the most dramatic difference between the pilot and main study complainants and the general complaint population relates to ethnicity. In the total complaint population, complainants of black origin made up 10% of all complaints, as against 40% of the stop and

search complaints in the main study (and 29% in the pilot). As reported in a number of previous studies (e.g. Stone and Pettigrew, 2002), members of the black community may feel unfairly targeted by stop and search. This concern may be reflected in a complaint rate considerably in excess of Home Office data (Home Office, 2002), which showed that only 10% of the stops and searches in 2000-2001 were carried out on people of black origin.

Ethnicity effects

It is also reflected in complaints reported to the PCA. Complaints of racially discriminatory behaviour were made against officers 647 times during 2000-2001. These allegations represented 3.6% of all complaint matters recorded during this period, compared with 19.0% in the main study, almost two-thirds of these made by black complainants. This would clearly suggest that stop and search is a police power that provokes a particular kind of dissatisfaction in the black community, supporting the findings of Miller and colleagues (2000).

However, these findings can be interpreted a number of ways. They may suggest that black people are treated particularly badly during such encounters, that they are particularly sensitised to the adverse effects of being stop and searched, or that they are more likely to complain about being stopped and searched irrespective of how it is conducted. The PCA studies indicate that the reasons for complaints about stop and search are different for black people. While it is not surprising that black complainants are more likely to allege discriminatory behaviour, it is worthy of note that black complainants were also more likely to complain about the justification for the initial stop. Another difference identified by the study, which may be indicative of ethnic variations in the incidents and subsequent complaints is that black complainants were significantly less likely than their white equivalents to be arrested on the basis of the stop alone. In contrast, black complainants were more likely to have the stop escalated to a search.

One interpretation of this may be that the evidential threshold for stopping white complainants was significantly higher than for stopping black complainants, but these speculations need to be tested by appropriate empirical research with adequate sample sizes. The current study is illustrative rather than explanatory, and it will fall to our successor organisation, the IPCC, and the Home Office, to conduct larger scale research to clarify what it is about stop and searches that provokes different kinds of complaints as a function of ethnicity.

A further difference by ethnicity identified in the study that requires further investigation is the finding that white complainants were significantly more likely to have their complaints referred to the CPS (in just under half of the cases compared with 15% for black complainants). This may imply either that different kinds of cases are reaching the CPS following stop and search complaints or that the police have a different referral policy as a function of the ethnicity of the complainant. Again, this inference is beyond the scope of the current exploratory work but will need to be addressed by future work.

Investigation outcomes

A further concern that is likely to arise is from the apparently low rate of substantiation of complaints in both pilot (n=7, 7.9%) and main (n=8, 10.8%)⁸ studies, apparently vindicating Bowling and Phillips' (2002) suggestion that dissatisfied members of the public may not get satisfaction from the complaints system. However, when compared with the overall complaint population in the same periods, the stop and search complaints examined were more likely to result in substantiation, and in a much lower proportion of cases in the main study (26% compared to 54.2%) were the police forces granted dispensations to discontinue the investigation. Thus, stop and search complainants were more likely to co-operate with investigations (ensuring full investigation by the police) and a higher proportion of those investigated were substantiated.

Location effects

The analysis revealed a number of differences between complaints against MPS officers and those from the other England and Wales forces. Stop and search complaints from the MPS area attracted more complaints matters per incident than the rest of the country, and incidents within the MPS were more likely to involve stops on groups of young people in public places, leading to allegations of oppressive conduct, incivility and racial discrimination. Complaints from the MPS were dispensed with at twice the rate of elsewhere in the country, and had a significantly lower substantiation rate than in other forces (10.8% compared to 2.9%). While part of this effect can be understood in terms of the unique issues of policing the capital, comparative research is required examining why the MPS receives different kinds of complaints from the rest of the country and why they are less likely to lead to a full investigation.

Conclusions and future directions

Because such a small proportion of stops and searches lead to formal complaints, caution must be exercised in drawing inferences from this small number of cases. However, the

⁸ In the main study 26 of the cases examined were granted dispensations, therefore, the percentage of substantiated cases given above is based upon only the 74 cases that were fully investigated.

results presented between the pilot and main study are broadly consistent in their findings and accord with much of the recent research evidence in this area coming from the Home Office. As a consequence, the results raise questions that require considerable further investigation, particularly the finding that black people experience a different kind of dissatisfaction about stop and searches than do white people, and that the incidents they complain about are intrinsically different. This compounds the finding that there is a disproportionality in complaints about stop and search from black complainants markedly in excess of what would be anticipated as a result of the Home Office data on overall rates of stops by ethnicity.

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