

Written evidence submitted by StopWatch (MAC0033)

EXECUTIVE SUMMARY

- The Macpherson Report gave recommendations with the “overall aim being the elimination of racist prejudice and disadvantage and the demonstration of fairness in all aspects of policing.”¹ The evidence presented below suggests this is yet to be achieved.
- Within this, heavy handed policing remains prominent, with BAME communities targeted, and there are significant problems regarding the public accountability of the police.
- The response to the COVID-19 pandemic has been an enforcement, not a public health response – and this policing response has been racially disproportionate.

PROBLEM	DETAIL	EVIDENCE
UNBROKEN HISTORY OF OVER-POLICING BAME COMMUNITIES	BLACK AND ASIAN PEOPLE ARE MORE LIKELY TO BE STOPPED AND SEARCHED	Between April 2018-March 2019, black people were 9.5 times more likely to be stopped and searched than white people; “there were 4 stop and searches for every 1,000 white people, compared with 38 for every 1,000 black people”. ² In 2019, Neomi Bennett, a nurse who had been awarded a British Empire Medal, was stopped in her vehicle – according to the officer as recorded on body-worn footage due to tinted car windows. As the Guardian describes, “after heated exchanges, male officers pulled Bennett out, arrested her and kept her in a cell for 18 hours, despite finding nothing incriminating”. She was convicted for obstructing officers, but this has since been overturned. As Neomi herself said – “I feel I have to protect myself from the police more than anything else as a black person in London.” ³
	SECTION 60 SEARCHES ARE EVEN MORE	In the year ending March 2018, black people were 40 times more likely to be stopped under these powers. ⁴

¹ Macpherson, W. 1999. [Report of the Stephen Lawrence inquiry](#). p. 375.

² Gov.uk. 2020. [Stop and Search](#).

³ The Guardian. 2020. [Nurse claims Met police wrongfully arrested her because she is black](#).

⁴ The Guardian. 2019. [Black people ‘40 times more likely’ to be stopped and searched in UK](#).

	<p>DISPROPORTIONATE</p>	<p>Between April 2018 and March 2019, 3% of all stop and searches were under Section 60 – 0.2% increase from the previous year – 13,083 stop and searches. 4,858 of those searches were carried out on black people, 2,669 on white people.⁵ 37% of Section 60 searches were targeted at black people, compared with 20% of Section 60 searches targeted at white people.</p>
	<p>SECTION 60 PROTECTIONS HAVE BEEN REMOVED SINCE THE INQUIRY MET LAST YEAR</p>	<p>The Best Use of Stop and Search Scheme included voluntary protections on use of Section 60.</p> <p>Relaxed for 7 forces in ‘pilot’ in March 2019 – including lower level of authorisation needed to put a S60 in place. But expanded to all 43 police forces in England and Wales in August 2019, with no pilot results published.⁶</p> <p>West Midlands Police refused to take up the offer to lower the authorisation needed for those searches.⁷</p> <p>The removal of the protections around the use of these powers has been justified in order to tackle violence, however, evidence does not support this. The Home Office’s assessment of the impact of Operation Blunt 2 in 2016 – in which stop and search was heavily deployed – concluded that there was “no discernible crime reducing effects” following a surge in stop and search in London boroughs.⁸</p>
	<p>OVER-POLICING IS DRIVEN BY LOW LEVEL DRUG POLICING</p>	<p>Drug policing is a key driver of ethnic disparities throughout the criminal justice system. Below is all taken from the Colour of Injustice report from StopWatch, Release and LSE, examining stop and search data from 2016/17, and showing stop-searches for drugs to be more disproportionate than stop-searches for other</p>

⁵ Full Fact. 2019. [Does stop and search work?](#).

⁶ Gov.uk. 2019. [Government lifts emergency stop and search restrictions.](#)

⁷ The Guardian. 2019. [Police force declines new powers lowering bar for stop and search.](#)

⁸ Home Office. 2016. [Do initiatives involving substantial increases in stop and search reduce crime? Assessing the impact of Operation BLUNT 2.](#)

		<p>offences:⁹</p> <p>“Black people were stopped and searched for drugs at almost nine times the rate of white people, while Asian people and those in the ‘mixed’ group were stop-searched for drugs at almost three times the rate of white people.”</p> <p>“The ‘find’ rate for drugs is lower for black than white people, suggesting that such searches are carried out on the basis of weaker ‘grounds’ for black people.”</p> <p>“Since 2010/11 more than 80 per cent of drug offences recorded by police have been possession offences and more than 60 per cent have been for cannabis possession. Extrapolating from these figures indicates that more than a third of all stop-searches are for suspected cannabis possession offences (the exact proportion varies from 34 to 39 per cent depending on the year). It follows that police forces are making operational decisions to target low-level drug possession offences over other crimes.”</p>
	<p>IMPACT ON COMMUNITIES</p> <p>Statistically lower levels of confidence in the local police from Black and mixed people, compared to White and Asian people.</p>	<p>From 2013-2019, Black Caribbean people were less likely than White British people to have confidence in their local police.</p> <p>For instance, in 2018/2019, 76% of Black Africans, 56% of Black Caribbeans and 58% of mixed Black/White Caribbeans had confidence in their local police.</p> <p>In the same year, 75% of White British, 82% of White Irish and 81% of White Other had confidence in their local police.¹⁰</p>

⁹ Shiner, M, Carre, Z, Delsol, R, and Eastwood, N. 2017. [The Colour of Injustice: ‘Race’, drugs and law enforcement in England and Wales](#). pp. vi, 10.

¹⁰ Gov.uk. 2020. [Confidence in the local police](#).

	<p>DEPTFORD FIST BUMP CASE</p>	<p>Two brothers, Liam and Dijon Joseph, shared a fist bump, and were detained by the police on Deptford High Street, 27 February 2018.¹¹ The police suspected them of exchanging drugs. The brothers believed it was an instance of racial profiling. The brothers were later released at the scene and subsequently placed a complaint with the IOPC.¹²</p>
	<p>YOUNG PEOPLE ARE TARGETED IN THIS POLICING</p>	<p>Nearly 7 in 10 black men aged between 15 and 19 were stopped and searched in the two years before October 2019. Same figure for white men in the same age group is 1 in 6.¹³</p> <p>According to Metropolitan Police figures, those aged 15 to 19 were more likely to be stopped and searched than any other age group; between June 2019 and May 2020, people aged between 15 and 19 years old were stopped at a rate of 197 per 1000.¹⁴</p> <p>The Metropolitan Police Service Gangs Violence Matrix impacted the lives of many through police and wider state intrusion, in ways that cannot be underestimated – predominantly and disproportionately infringing on the rights and civil liberties of young black men.¹⁵ These people are labelled and exposed to an increase in potential unlawful stop and search encounters and are subjected to draconian civil law and social welfare constraints. As Royal London Hospital trauma surgeon and violence reduction advocate Martin Griffiths put it: "You put that child on the matrix, you wrote that child's future."¹⁶ As Amnesty International found:</p>

¹¹ The Guardian. 2018. [The brothers who were searched by the police for a fist bump.](#)

¹² Independent Office for Police Conduct. 2018. [Investigation following stop and search incident in Lewisham.](#)

¹³ BBC Politics London. [Aired 1 March 2020.](#)

¹⁴ The Metropolitan Police. 2020. [Stop and search dashboard.](#)

¹⁵ Williams, P. 2018. [Being Matrixed: The \(Over\)Policing of Gang Suspects in London.](#)

¹⁶ Amnesty International. 2018. [Trapped in the Matrix: Secrecy, stigma, and bias in the Met's Gangs Database.](#) p. 20.

		<p>"87 per cent were from black, Asian and minority ethnic (BAME) backgrounds (78 per cent were black). Eighty per cent were between the ages of 12 and 24, and 15 per cent were minors (the youngest was 12 years old)."</p> <p>Three quarters of the people on the matrix (75%) had been victims of violence, and more than a third (35%) had never committed a serious offence.¹⁷</p> <p>FOI requests placed by the Children's Right's Alliance (CRAE) found:</p> <p>"Police use of Tasers against children is increasing, with 871 uses in 2017 and 839 in the first 9 months of 2018. Tasers were used on children as young as 12 and on 4 occasions children under 10. Tasers were used disproportionately against children from BAME backgrounds, with BAME children accounting for 51% of Taser use (68% by the Metropolitan Police Service (MPS))."¹⁸</p> <p>Further, CRAE note that "Home Office statistics show that between April 2018 and March 2019, Taser was used on children in England and Wales 1,700 times including 29 times on children under 11. This amounts to over 8% of the total 23,000 times a Taser was used on people during this period."¹⁹</p> <p>This June, a 16-year-old boy, Gerard, sought out help from a police officer after being attacked and injured by far-right protestors. Instead of police helping him seek medical attention, he was stopped and searched:</p> <p>"[Gerard] was attacked and knocked to the ground when one assailant hit him in the face with a bottle, cutting him below his left</p>
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¹⁷ Amnesty International. 2018. [Trapped in the Matrix: Secrecy, stigma, and bias in the Met's Gangs Database](#). p. 2.

¹⁸ Children's Rights Alliance for England. 2019. [New report outlines systematic failures to protect children in England](#).

¹⁹ Children's Rights Alliance for England. 2020. [Children's rights and policing: Tasers and children's rights](#). p. 3.

		<p>eye...A bystander came to his rescue, separating him from his attackers and going with him to find a police officer. Gerard said he asked the officer to help him to safety, or to an ambulance. “And he was like: no,” Gerard said. “He had to go and help the rest of his team. He did at least try to talk me through it and look for injuries, but he also stopped and searched me.”²⁰</p> <p>Commenting on this, the Monitoring Group’s Suresh Grover was quoted in the Guardian as saying:</p> <p>“Gerard was a victim of an unprovoked and brutal racially motivated assault, the intention was to kill him and he is lucky to be alive. He was bleeding heavily from his eye and in a state of a shock when he sought help from a police officer but he wasn’t afforded the protection that he rightly deserved. Instead of being treated as victim, he was viewed as suspect. That attitude stems from a mindset of seeing black young teenagers as problem. It took one of Gerard’s white friends to ask another police officer to call the ambulance. We are working with the family to ensure that Gerard recovers properly and to ensure that the police investigation of the assault and the stabbing is investigated properly. The family has asked us to initiate the complaints process.”²¹</p>
	<p>USE OF DIGITAL POLICING ENTRENCHES RACISM</p> <p>Digital policing – including “crime-analytics...mobile fingerprinting scanners, social media monitoring and mobile phone extraction</p>	<p>Because:</p> <ol style="list-style-type: none"> 1, “Minority ethnic communities...are already over-policed”. 2, Tech like facial recognition has higher mis-identification rate for these groups. 3, “Predictive policing systems...have been developed based upon data that reflects ethnic profiling and racist policing. This will result

²⁰ The Guardian. 2020. [Injured boy 'stopped and searched' by Met officer he asked for help.](#)

²¹ The Guardian. 2020. [Injured boy 'stopped and searched' by Met officer he asked for help.](#)

	<p>among others” – entrenches racism.²²</p>	<p>advertently in the ‘hardwiring’ of historical racist policing into present day police and law enforcement practice.”²³</p> <p>Already in England and Wales, “the use of Automatic Number Plate Recognition cameras in road traffic policing lacks adequate governance. The procedure of ‘marking’ cars is widely misused and leads to members of the public being subjected to repeated stops without good reason.”²⁴</p>
<p>COVID-19 HAS SEEN AN ENFORCEMENT, NOT A PUBLIC HEALTH APPROACH, WITH BAME COMMUNITIES TARGETED</p>	<p>BLACK AND ASIAN PEOPLE ARE OVER-POLICED THROUGH COVID-19 REGULATIONS</p>	<p>COVID-19 emergency powers are not being used proportionately. Black people are more likely to be fined and arrested under COVID-19 powers. In London, black people are 2.17 times as likely as others to be fined (through FPN) under these powers. Black people are 12% of London’s population, but make up 31% of the COVID-19 arrests. Meanwhile, white people are 59% of London’s population but make up only 38% of the arrests.²⁵</p> <p>Across England, Asian people represent 7.8% of the population yet received 13% of FPNs, and whilst 3.5% of the population is black, 5% of those issued fines in England were black.²⁶</p>
	<p>STOP AND SEARCH HAS INCREASED DURING THE PANDEMIC</p>	<p>Use of stop and search has increased considerably during the pandemic. The Metropolitan Police performed 30,816 searches in April and 43,644 in May this year, compared to 20,981 and 21,593 in April and May 2019 respectively.</p> <p>In March and April 2020, the Met performed more than 1000 Section 60 searches (289 in April and 720 in March). Half (48%) of those stopped and searched were black. Almost two-thirds (63%)</p>

²² Williams, P and Kind, E. 2019. [Data-driven Policing: The hardwiring of discriminatory policing practices across Europe](#). p. 6

²³ Williams, P and Kind, E. 2019. [Data-driven Policing: The hardwiring of discriminatory policing practices across Europe](#). p. 6

²⁴ Liberty and StopWatch. 2017. [“Driving while black”: Liberty and StopWatch’s briefing on the discriminatory effect of stop and search powers on our roads](#). p. 3.

²⁵ The Guardian. 2020. [Met police twice as likely to fine black people over lockdown breaches – research](#).

²⁶ Big Brother Watch. 2020. [Rights groups call for urgent review of coronavirus fines](#).

		<p>of those stopped and searched were black or Asian.</p> <p>The racial disparities in those searched by the Metropolitan Police has increased during lockdown, as has the rate with which black people are searched. According to Metropolitan Police figures, at the beginning of lockdown in March, 7.2 per 1000 black people were searched by the Metropolitan Police, but in May, this had increased to 13.6 per 1000.²⁷</p>
	<p>COVID-19 POLICE POWERS ARE BEING MISUSED</p> <p>FPNs have been issued inappropriately.</p> <p>Vehicle stops deployed excessively.</p>	<p>Powers were introduced swiftly, leaving little time for training – guidance from the National Police Chiefs' Council and College of Policing came after, not with, the introduction of the powers.</p> <p>Under lockdown:</p> <p>Wiltshire Police's Scrutiny Panel have found that some FPNs had been issued here unlawfully and the force has withdrawn FPNs in response. Children have also been issued FPNs, but there is no power to do so under the Regulations.²⁸</p> <p>Police have deployed vehicle stops excessively with some forces called out for deploying roadblock style checkpoints.²⁹</p> <p>Highly publicised examples of excessive and unnecessary vehicle stops including a youth worker and a teacher stopped to search their vehicles for drugs on their way to work as key workers.³⁰ This incident was suspected to represent racial profiling.</p> <p>Huge disparities in how FPN fines are issued - North Yorkshire issued over 20 times more FPNs than in Staffordshire (adjusted</p>

²⁷ The Metropolitan Police. 2020. [Stop and search dashboard](#).

²⁸ Big Brother Watch. 2020. [Rights groups call for urgent review of coronavirus fines](#).

²⁹ Sky News. 2020. [Coronavirus: Police ordered not to check every car after 'overreach' claims](#).

³⁰ ITV News. 2020. ['Enough is enough': Youth worker criticises Met Police stop and search during lockdown](#).

		<p>for population size).³¹</p> <p>NPCC and College of Policing have made clear there is no stop and account power under COVID-19 regulations – but example of police using COVID-19 regulations to conduct a stop and account, and then segue into a Section 60 based stop and search.³²</p>
	<p>POLICE ACTIVITY MAY SPREAD THE VIRUS</p> <p>Black people are over-policed under COVID-19 regulations, whilst also being at greater risk than white people from the virus.</p> <p>We struggle to find examples of police wearing PPE in line with official guidance.</p>	<p>BAME people are more likely to die as a result of COVID-19, compared to white people.³³</p> <p>Public Health England figures show that the rates of diagnosis of COVID-19 is almost three times as high for black men compared to white men.³⁴</p> <p>Guidance from the NPCC and College of Policing says officers should be wearing "fluid resistant surgical mask (IIR) and gloves (non-latex)" for close contact with the public where contact closer than 2m is essential – e.g. a stop and search. They are also supposed to "conduct a risk assessment on use of... goggles and an apron" in these settings.³⁵</p> <p>Low income communities and BAME people are more likely to be in precarious work, meaning they are more likely to leave their homes during the lockdown.³⁶ BAME people are also over-policed, so more</p>

³¹ Big Brother Watch. 2020. [Rights groups call for urgent review of coronavirus fines.](#)

³² <https://www.youtube.com/watch?v=d0GQH4KxdVI>. The first officer questioned the person's justification for being outside, pursuant to the COVID-19 Regulations. At around 1 minute into the video, a second officer indicates that the person would also be searched under Section 60 of the Criminal Justice and Public Order Act. Around 3 minutes into the video, the second officer states that he can arrest the person under search for failing to provide his details under the COVID-19 Regulations. The video ends with both persons walking away from the police. No further action appears to have been taken.

³³ Office for National Statistics. 2020. [Coronavirus \(COVID-19\) related deaths by ethnic group, England and Wales: 2 March 2020 to 10 April 2020.](#)

³⁴ Public Health England. 2020. [COVID-19: review of disparities in risks and outcomes.](#)

³⁵ College of Policing. 2020. [Coronavirus – PPE guidance issued.](#)

³⁶ Operation Black Vote, Centre for Longitudinal Studies and the Carnegie UK Trust. 2020. [Race Inequality in the Workforce.](#)

		<p>likely to be exposed to police interactions more frequently.</p> <p>It is these groups' health that the police put at risk when they do not wear PPE or observe social distancing.</p>
<p>HEAVY HANDED POLICING REMAINS PROMINENT, WITH BAME COMMUNITIES TARGETED</p>	<p>TERRITORIAL SUPPORT GROUP</p>	<p>The Metropolitan Police's Territorial Support Group – who are deployed usually to address "major incidents, public order, counter terrorism, and CBRN defence"³⁷ – have been engaged during the lockdown.</p> <p>They have been implicated in heavy-handed policing during the COVID-19 pandemic. TSG detained Dwayne Francis – a school key worker:</p> <p>“I was parked up when they drove past and then returned and demanded that I get off the phone and get out of my car,” Francis said. Despite showing them his work badge, the officers insisted he get out before one of them handcuffed him. Francis said they were from the Metropolitan police’s Territorial Support Group (TSG)...“At all times I remained calm and explained why I was being unfairly treated and profiled. They attempted to claim that I had droplets of cannabis on the floor of my car, which was completely false...I also explained to them that I work with young people on a daily basis and educate them about how they should be calm and also be sure of their rights in a situation like this. The officers showed a complete lack of [regard] for me, an adult and a respected figure in the community, but how would a 15 or 16-year-old handle a situation?” ...He said [none of the officers] provided identification numbers, and when he requested documentation of the incident, he was told he could get it at a local police station.”³⁸</p> <p>The use of TSG officers in everyday policing has raised concerns before, with community members describing their manner as</p>

³⁷ The Metropolitan Police. 2020. [Transferring officers - specialist & taskforce](#).

³⁸ The Guardian. 2020. [London police accused of racial profiling in lockdown searches](#).

		aggressive and noting that their actions harm trust. ³⁹
	<p>USE OF FORCE</p> <p>Use of force, Taser use and handcuffs prior to arrest have all increased.</p> <p>Police are more likely to use force against black people than any other group.</p>	<p>From April 2018/March 2019, there were 427,725 reported number of incidents including uses of force. Of those incidents, force was used approximately 632,185 times.⁴⁰</p> <p>Police used force tactics 603,503 times where the ethnicity of the person was known and reported. Of those, 447,337 tactics were used against white people (74%) and 94,222 against black people (16%).⁴¹</p> <p>Police were 5 times more likely to use force on black people than white people; “a rate of 90 times per 10,000 white people, and 450 times per 10,000 black people”.⁴²</p>
	<p>HANDCUFFS</p> <p>Police are more likely to deploy handcuffs against black people.</p>	<p>Between 2018-2019, the police in England and Wales used handcuffs 294,361 times where ethnicity was known and recorded.</p> <p>17% of these uses were against black people (49,195 uses of handcuffs on black people).⁴³</p>
	<p>TASERS</p> <p>Police are more likely to deploy tasers against black people.</p>	<p>Between 2018-2019, the police in England and Wales used Tasers 23,451 times. Of these uses, 11% were discharges.⁴⁴</p> <p>20% of the deployments, where ethnicity was known and recorded, were against black people. Tasers were used on black people 4,381 times, and on white people 14,562 times.⁴⁵</p>

³⁹ East London and West Essex Guardian. 2019. [Fears "aggressive" police officers in borough could damage community relations.](#)

⁴⁰ Home Office. 2019. [Police use of force statistics, England and Wales April 2018 - March 2019.](#)

⁴¹ Home Office. 2019. [Police use of force statistics, England and Wales April 2018 - March 2019.](#)

⁴² InYourArea. 2020. [All the data on black people and the police in England and Wales.](#)

⁴³ Home Office. 2019. [Police use of force statistics, England and Wales April 2018 - March 2019.](#)

⁴⁴ Home Office. 2019. [Police use of force statistics, England and Wales April 2018 - March 2019.](#)

⁴⁵ Home Office. 2019. [Police use of force statistics, England and Wales April 2018 - March 2019.](#)

		<p>88% of the uses on black people were non-discharges (3,874), whilst 10% were discharges (443). By contrast, 83% of the uses on white people (12,029) were non-discharges, whilst 12% (1,800) were discharges.⁴⁶</p> <p>"Serious questions have been raised over the police's role in the deaths of a number of people after having stun guns used on them, including the former footballer Dalian Atkinson, 48, 34-year-old Adrian McDonald, 30-year-old Marc Cole, and 23-year-old Jordan Begley."⁴⁷</p> <p>In May 2020, 24 year old Jordan Walker-Brown was "paralysed from the chest down" after he "was Tasered by a police officer as he fled and jumped onto a wall in Haringey in north London", falling from 2m. He shared a statement through his lawyer where he explained the fear he felt following previous encounters with the Territorial Support Group and he believed "I would not have been the subject of police attention...if I had not been a young black man."⁴⁸</p> <p>In June 2020, Millard Scott, a 62-year-old black man, was shot with a Taser in his own home, fell down stairs and lost consciousness. Five officers entered his home, and Mr Scott says the officers "[claimed] the raid was part of a drugs operation" but did not search his home for drugs. "The family were shielding because Scott cares for his 23-year-old son Shaquille, who is severely disabled with cerebral palsy...He said he was looking after Shaquille in an upstairs bedroom when he heard a commotion downstairs at his home in north London. As he stepped outside the bedroom to see what was going on he was shot with a Taser by police and fell down the stairs."⁴⁹</p>
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⁴⁶ Letter from NPCC to Clare Collier, Deborah Coles, Rebekah Delsol, Katrina Ffrench, Michael Shiner (14 May 2020).

⁴⁷ The Guardian. 2020. [Rights groups quit police body over stun gun use against BAME people.](#)

⁴⁸ BBC News. 2020. [Man paralysed in Taser fall says race made him a target.](#)

<p>THERE ARE SIGNIFICANT PROBLEMS IN PUBLIC ACCOUNTABILITY OF POLICE</p>	<p>LIMITED SCRUTINY OF BODYWORN VIDEO</p> <p>31-day storage limit too short under COVID-19 restrictions.</p>	<p>Important tool in police accountability.</p> <p>Under COVID-19 restrictions, individuals who find themselves needing to access footage will struggle to do so within current 31-day time constraint.</p> <p>Equally true for civil society organisations, who have had to adapt their working practices at this unprecedented time.</p>
	<p>VEHICLE STOPS</p> <p>Known to be highly racially disproportionate.</p> <p>These are not recorded by police.</p>	<p>Around 5.5 million section 163 vehicle stops are made every year, yet these are “not subject to basic safeguards such as reporting requirements and Codes of Practice which govern other police powers.”</p> <p>HMIC and British Crime Survey data shows “ethnic minority drivers are disproportionately stopped by police on our roads.”</p> <p>These powers are part of the hostile environment: Immigration Act 2016 introduced “driving when unlawfully in the UK” offence – “increasing risk that drivers will be stopped on the basis of generalisations, stereotypes and racial prejudice.”⁵⁰</p>
	<p>IOPC</p> <p>Current complaints procedure is lengthy.</p> <p>Despite this, levels of complaints against police remain high.</p>	<p>Last year, 31,097 complaints were recorded against police in England and Wales. There have been more than 30,000 complaints filed every year for the last 10 years.</p> <p>But the system is complex and time consuming. In 2018/19 it took police forces an average of 110 days to finalise complaint cases (including suspension).</p> <p>Young people are heavily policed but least likely to complain - under 18s make up only 1% of police complaints in 2018/19.⁵¹</p>

⁴⁹ The Guardian. 2020. [‘I could so easily have died’: Wretch 32’s father on being shot with Taser.](#)

⁵⁰ Liberty and StopWatch. 2017. [“Driving while black”: Liberty and StopWatch’s briefing on the discriminatory effect of stop and search powers on our roads.](#) p. 3.

		COVID-19 public health crisis has drained resources (both financial and time) from many people, particularly key workers and volunteers caring for vulnerable people , making engaging with the current lengthy complaints procedure impossible.
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RECOMMENDATIONS

Stop and search

- The national requirement that **all stop and searches including stop and account and traffic stops are recorded**, as recommended by the Macpherson Inquiry, should be reinstated.
- **Introduce primary legislation to ensure that stop and search powers are used fairly, effectively and proportionately.** Forces that fail to meet acceptable standards should face sanctions. The Home Office should be able to suspend poorly performing forces from using stop and search powers until appropriate safeguards have been put in place, which should be subject to further review.
- The **role of law enforcement in UK drug policy should be reviewed and reformed.** Drug policing is a key driver of ethnic disparities throughout the criminal justice system and must be reoriented if ethnic disparities are to be alleviated.
- Recording of stop and search should be extended to require that officers conducting stop-searches for drugs make a record of the substances that they believe to be involved and the nature of the suspected offence (i.e. possession-only or supply). Such information will help forces and others assess the extent to which stop and search is being targeted at priority crimes, as well as its effectiveness and likely impact on trust and confidence.
- Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services should **consider ethnic disproportionality as a specific, stand alone, assessment criteria for the PEEL Legitimacy inspections.** Forces should be rated on their record of taking action to reduce ethnic disparities as well as their attempts to understand the nature of the problem.
- A presumption should be made against the stopping and searching of children under 12, as was introduced in Scotland.⁵² The PACE Code of Practice should be extended to ensure additional oversight and protection for children and young people.

Section 60

- The use of Section 60 of the Criminal Justice and Public Order Act should be reviewed with a focus on racial discrimination and effectiveness. If it cannot be demonstrated that this meets human rights standards of legality, proportionality then this power should be repealed.

⁵¹ Independent Office for Police Conduct. 2019. [Police complaints: Statistics for England and Wales 2018/19](#). pp. 22, 35, 44.

⁵² Scottish Government. 2017. [Stop and Search of the Person in Scotland: code of practice for constables](#).

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- While the review is underway and if Government decides to retain Section 60, power to authorise its use should be vested in ACPO level officers (as was introduced in the Best Use of Stop and Search scheme), with clear guidance as to what should constitute legitimate grounds for such authorisations, the evidence/intelligence required to support those grounds, and strict limits on the geographical areas to which an authorisation can apply. Any renewal of such authorisations beyond an initial 24 hours should require authorisation beyond the police force concerned, for example by the relevant Police and Crime Commissioner or a judge or a magistrate.

Digital policing

- There should be national recording of all digital policing technologies being deployed by police. The use of this technology should be reviewed by HMICFRS. There should also be a suspension on introduction of new technologies without an impact investigation into existing digital policing technologies.

COVID-19

- **A national standard of training.** Such training should cover the Regulations, how police should use PPE and practice social distancing, and the wider context in which police are operating (specifically, the disproportionate impact of COVID-19 on black and economically deprived communities and the risk to police legitimacy and support for the lockdown that comes from misuse of these powers).
- **A national minimum standard for PPE use by police,** as well as provision of resources for this to be met.
- **Recording of all encounters under these new powers.** It is essential that the deployment of these new powers is recorded, in the same way stop and search powers are, to allow civil society and members of the public to monitor and hold police to account for their use. We recommend encounters made under these new powers are recorded in line with the PACE codes of practice, and any stop made under the Regulations is recorded as any stop and search under PACE would be. This disaggregated data for each police force on the use of the powers should be published.
- **Amend the Regulations to narrow the power to give instructions, make breach of any restriction a criminal offence only where a person knowingly causes another person immediate harm.** Furthermore, exclude children from criminal sanction entirely, and exclude all homeless people, broadly defined, from the Regulations entirely.
- **Publish a rigorous Equality Impact Assessment for any future measures that the Government seeks to implement.** In particular, for plans to impose restrictions targeted to geographic areas the Government deems “high risk”, as well as the use of digital policing technologies.
- **Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services should review the use of COVID-19 powers.** These new powers represent a fast moving and significant development of police practice. As such, it is necessary for HMICFRS to review the implementation and use of these powers.
- **The National Police Chief’s Council should honor recent commitments to investigate the disproportionate fining practices** under the COVID-19 powers and institute a review of each fine issued under these regulations.

Use of force

[MAC0033]

- Greater accountability is required to guard both the physical damage caused by tasers and psychological consequences for vulnerable individuals, limiting their use only to critical situations.
- **Significant improvements in scrutiny and accountability are required surrounding all use of force.** We recommend building in oversight of use of force into the structures developed for stop and search oversight through PACE Code of Practice A.
- **A specific Code of Practice should be developed in relation to use of Taser** specifying when, if ever Taser can be used to ensure compliance or to enact an arrest rather than to protect the safety of officers and others.
- An urgent review of the use of Taser on children is needed.
- The ongoing use of handcuffs in stop and search encounters as an immediate response must be urgently reviewed and addressed.

Vehicle stops

- **Repeal the offence of “driving when unlawfully in the UK” and related search powers** introduced in the Immigration Act 2016.
- **PACE Code A should be amended to include traffic stops and to explicitly limit their reach to road safety and traffic control purposes**, including requirements to record adequate information about the circumstances of the stop, demographic information, the reasons and outcomes of a stop and whether force or restraint was used.

Body worn video

- **Body worn camera footage to be saved for six months and the policy be consistent across all 43 police forces.** A six-month retention would allow more time for the public and civil society to engage in the complaints process where necessary. We also recommend that during this time, civil society and policing organisations such as MOPAC are regularly invited to ‘dip-sample’ these records, allowing civil society to fulfil this accountability role, preventing back steps in police-community relations.
- Clear national guidance on how body worn camera footage should be collected, stored and used to support external oversight must be developed taking into consideration privacy concerns.

Complaints procedure

- **A streamlining and improvement of the complaints procedure.** This includes the establishment of a uniform right to appeal against any fine issued under the Regulations, and request that the police review all fines issued to date.
- Reform should be made to the IOPC to respond to concerns about the independence and legitimacy of the organisation and complaints process, including diversify staff and including representatives from civil society and other community stakeholders in investigation.

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