

Crime and Criminal Justice

Research Findings No. 57

Police Stop and Search Among White and Minority Ethnic Young People in Scotland

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Research was carried out between December 2000 and July 2001 to identify emerging issues in relation to the use of stop and search powers by police forces in Scotland.

Main Findings

- There is little evidence that the issue of stop and search is particularly high profile in Scotland although it is controversial in England and Wales, and there is some evidence that it is regarded by many in Scotland as an “English” issue;
- in some areas of Scotland, a large number of both statutory and voluntary searches are being carried out, and there is a huge variation across different force areas perhaps reflecting variations in both the nature and extent of the types of offending behaviour;
- it is clear, however, that for many young people living in urban areas in Scotland, stop and search has become a part of “everyday” life;
- although disproportionality in a technical sense could not be measured, the research found no evidence that people from black and minority ethnic groups are being specifically targeted for stop and search;
- there is, however, anecdotal evidence that many young people, from both black and minority ethnic and white communities, appear alienated from the police, do not trust them, and feel that they are harassed;
- some young people are clearly affected by their encounters with the police, with some describing being intimidated, and feelings of fear and anxiety;
- there is little real understanding of stop and search powers among members of the public, and, in addition, in the view of police officers no real understanding of the operational issues facing officers, which may lead to misunderstanding and misperception;
- police officers face a complex and difficult job, being expected to interact with young people in a range of situations, many of which contain the threat of violence, and it is evident that the majority do so in a professional way, but this research also contains examples of poor practice by individual officers, reported by both white and black and minority ethnic young people;
- there is evidence that some officers may be avoiding contact with people from black and minority ethnic communities for fear that they may be labelled “racist”;
- contacts between police and community-based organisations are now at their highest ever level and appear, on the basis of evidence here, to be mutually beneficial.

Introduction

“Stop and search” is a shorthand description for a variety of powers held by police officers to stop, and where necessary, to search members of the public or motor vehicles. There are a range of powers granted by various statutes including the Misuse of Drugs Act 1971 and a range of more recent statutes dealing with, for example, stolen property, weapons, firearms and the carrying of alcohol. There is also increasing evidence of the use of non-statutory, or consent, searches whereby an officer can carry out a search where a member of the public has freely consented to this.

The research came about following consideration of the issues raised by stop and search by the Justice Minister’s Steering Group on The Stephen Lawrence Inquiry. Although there is a widespread perception that there are few issues in relation to the use of stop and search in Scotland, it was acknowledged that there is currently a shortage of data by which to properly test this assumption. This research was commissioned by the Central Research Unit of the Scottish Executive following a request from the Steering Group.

The overall purpose of the research was modest. Although there has been a great deal of research in England and Wales about stop and search dating back over 20 years, as yet little or nothing is known about the use of the tactic in Scotland. The research described here was a relatively small scale exercise, carried out in three well defined but largely unrepresentative areas, with the express intention of establishing whether or not there were perceived to be issues with the use of stop and search (in the view of police officers or community members) which required to be addressed. The research could not, for a range of reasons, be definitive.

Five aims were established at the outset for the research:

- To record the number of stops and stops and searches made upon minority ethnic and white young people during the research.
- To examine the use and impact of a short form designed for the purpose of recording stops and stops and searches.
- To analyse the views, experiences and perceptions of young people and others in the community in relation to police stop and search powers.
- To analyse the views and perceptions of the police in relation to stop and stop and search.
- To assess the impact that regular monitoring of stops and stops and searches might have on the police and the public.

The research involved a number of strands including a literature review and assessment of current information (including information gathered by police forces, a recording exercise carried out in three divisions, consultations with police officers both in the research area and in all other forces in Scotland and, finally, consultations with young people, community groups and representative organisations). Although the research has a Scotland-wide focus, the primary fieldwork for the research was undertaken in three main areas, broadly defined as north Edinburgh, the south side of Glasgow and the city of Dundee.

The context

This research needs to be seen within the overall context of racism in Scotland and the perception that many people from black and minority ethnic communities experience this directly on a daily basis. It is also clear that there is a more wide-ranging issue in terms of the nature of the relationship between young people and the police. Stop and search also needs to be placed in the wider context of high levels of drug-related and violent crime, with weapon carrying seen to be endemic in parts of Scotland.

There is little evidence at present that the issue of stop and search is particularly high profile in Scotland, although there is, as was noted by The Stephen Lawrence Inquiry Action Plan for Scotland, no reason for complacency. Stop and search is, however, controversial in England and Wales, and there is some evidence that it is regarded by many in Scotland as an “English” issue.

It is clear that there are, in some areas of Scotland, a large number of both statutory and voluntary searches being carried out and although data does not exist in

all cases, it is self evident from the data gathered for this research (both in relation to searches and interviews with police officers) that there is a huge variation in the number of stops and searches taking place across different force areas. In some areas of Scotland, a very large number of both statutory and voluntary searches are being carried out, while in others, particularly in rural areas, the number is far fewer, even allowing for differences in population density.

There are significant differences in the operational approaches of Scotland's eight forces, with two, or perhaps three, engaged in "active" stop and search operations, with the remainder involved in more passive, or intelligence-led operations (although this is something of a misnomer, as all of the operations described, whatever their means of execution, are palpably "intelligence-led"). There are also, however, considerable variations in both the nature and extent of the types of offending behaviour (for example knife carrying) which might be impacted upon by the use of stop and search.

Whether or not some forces, or some officers, perceive stop and search to be an issue, it is clear that for many young people living in urban areas in Scotland, it is most certainly an issue, and has, for many, become a part of "everyday" life.

Recorded stops and searches

The findings of the main recording exercise are summarised below:

- The fieldwork was undertaken in Glasgow, Edinburgh and Dundee, in areas with among the highest concentrations of black and minority ethnic residents;
- a total of nearly 7,000 stops and 3,600 searches were recorded over the period of the recording exercise of which the highest numbers by far were recorded in Glasgow;
- most of these stops involved people aged under 25, with most being searches of young men (with 15–19 being the peak years), while around 11% of stops were on girls and women;

- a total of 885 searches were carried out on young people below the age of 16 with the youngest person searched being aged six;
- around 6% of those stopped and 3% of those searched were from visible black and minority ethnic groups, with the overall proportion being similar for Glasgow and Dundee, but slightly lower in Edinburgh;
- overall, less than 9% of those searched lived outside an area approximating to the police division concerned;
- the overwhelming majority of searches (87%) were described as "voluntary" and it is interesting to note that there was little variation in this between the three forces;
- the likelihood of being stopped on a voluntary basis declines the greater the age of the person stopped, and people from black and minority ethnic communities were found to be much less likely to be searched on a voluntary basis than those from the white community;
- the statutory bases for stop and search most commonly related to drugs, stolen property and knives, and there was no real evidence of powers being reported as being used which were not relevant or which were inaccurate;
- there appear to be three broad categories of stops and searches recorded in this exercise – those relating to a tangible or direct suspicion, those related to an indirect or intangible suspicion, and those for "operational" reasons;
- as might be expected, statutory searches were many times more likely to be successful – with as many as 54% of statutory searches in Tayside successful, perhaps due in part to the CCTV camera network;
- overall, articles were recovered in about 9% of searches, although, reflecting the fact that people from black and minority ethnic communities were more likely to be searched on a statutory basis, the percentage of searches where articles were found for this group was higher than for the white community.

Disproportionality

The issue of disproportionality (the extent to which the number of searches of people from black and minority ethnic groups exceeds that which would be expected given their share of the population) is problematic. The fact that it cannot be measured in any meaningful way is frustrating, but it does serve to illustrate in one small way the impact of the lack of available data on the extent, nature and experiences of Scotland's black and minority ethnic communities. Although disproportionality in a technical sense could not be measured for this research, there is no evidence that people from black and minority ethnic groups are being specifically targeted for stop and search activities.

The impact of stop and search on young people

A very high number of young people who took part in this research had had contact with the police in the past year, with a feeling among many that they were being harassed by the police, being stopped with little justification (and often by the same officers apparently asking the same questions on a number of occasions), as well as there appearing to be a lack of consistency between officers. Among the concerns expressed by young people were the fact that many searches were perceived to happen in full view of friends, relatives and passers by; that some of these searches were, it was suggested, intimate; that some officers were heard to swear; and that racist language was used by some officers.

It is easy to assume that all young people are confident in their dealings with the police and would not be affected by an encounter, but this is patently not true and some young people in this research admitted to being, for example, frightened, embarrassed and anxious in encounters with the police, and a number described being intimidated. It is worth remembering that children as young as six were recorded as being searched in this research, and this raises particular issues in terms of the potential impact on someone as young as this – it is easy to

assume that all young people who come into contact with the police in stop and search situations are “street wise”, but this is not necessarily the case.

It is clear from this research that both white and black and minority ethnic communities believe that it is they who are unfairly targeted by the police, with the observation made by each that they “never see” members of the “other” community being searched.

The impact on relationships between police officers and young people

There is anecdotal evidence that many young people, from both black and minority ethnic and white communities, appear alienated from the police, do not trust them, and feel that they are being harassed. Police officers face a complex and difficult job, being expected to interact with young people in a range of situations, many of which contain the threat of violence, and it is likely that the overwhelming majority do so in an exemplary and professional way, but this research contains examples of poor practice by individual officers, reported by both white and black and minority ethnic young people. Clearly, the issues facing white and black and minority ethnic young people are not the same, and there are a range of additional issues in terms of racism and wider confidence in the police which need to be considered carefully.

It is clear, and accepted by officers at all levels, that there is both good and bad practice, with some officers remaining in the “because I told you so” mode of policing, supported by evidence from community members suggesting that some officers are alleged to use intimidatory tactics, abusive language, and overall to lack respect. Many officers, however, now appear to perceive that there is a change in the culture of the police service which is moving towards the identification and marginalisation of officers whose practice is poor and whose interaction with members of the public is seen to be problematic, although it remains to be seen how widespread and effective this is currently.

There is evidence that some officers may be avoiding contact with people from black and minority ethnic communities for fear that they may be labelled “racist”, although at a strategic level, contacts between police and community-based organisations are now at their highest ever level and appear, on the basis of evidence here, to be mutually beneficial.

Understanding of stop and search, and of police operations

One potential area of issue is that it has become clear that there is little real understanding of stop and search powers among members of the public generally, and, in addition, in the view of police officers (supported by findings from discussions with community members) no real understanding of the operational issues facing officers. There is a feeling among some officers (which may be not without foundation) that these misunderstandings are at the heart of the many of the difficulties they face in dealing with young people.

Suggestions arising from the research

On the basis of the research, the following fourteen suggestions are made:

- The Scottish Executive should consider undertaking a comprehensive assessment of the information currently collected in relation to ethnicity with the development of an action plan to improve this across all areas of public service.
- Data on ethnicity should be gathered at all points in the criminal justice system. A standard system of ethnic classification is a pre-requisite of any data gathering and this should be agreed and implemented, with training for all those engaged in its use.
- The Scottish Executive should consider commissioning and publishing the results of a survey of race and the criminal justice system.

- The Association of Chief Police Officers in Scotland (ACPOS), in revising its diversity strategy and associated guidance, may perhaps address the lack of focus on people from black and minority ethnic communities as suspects or perpetrators of crime.
- ACPOS could draw together existing good practice on race awareness and anti-racism training and develop guidance to forces on the implementation of this, in order to supplement the guidance in the current strategy and the training being delivered by NEOTS.
- ACPOS, the Scottish Executive Justice Department and the Commission for Racial Equality (CRE) could convene a working group to consider partial implementation of recommendations 61 and 62 of The Stephen Lawrence Inquiry, respectively, the best means of implementing a system of recording search information, and the best means of implementing a system of publishing search information, perhaps within the wider context of an “annual report”.
- ACPOS could develop guidance to forces on the best means of analysing the information gathered to ensure that it forms part of management information systems and decision making.
- The Scottish Executive should commission independent research on an on-going basis to examine the statistics produced by this process and assess whether or not there are issues which require to be addressed.
- ACPOS could develop guidance for officers on the legal, civil liberties and practical issues raised by the use of consent, or non-statutory, searches.
- ACPOS, in conjunction with the Scottish Police College and individual forces, could consider the ways in which search procedures are being taught to officers and, if necessary, make any amendments to address the issues identified by this report.
- ACPOS could consider existing guidance in relation to search procedures involving very young children.
- Forces could consider carefully the way in which performance targets in relation to searches are framed.

- ACPOS could consider the experience of English forces in mounting public education campaigns about the need for searching, and both powers and rights in relation to searches, and take this forward, perhaps initially through a pilot scheme. This would be, in effect, a partial implementation of recommendation 63 of The Stephen Lawrence Inquiry.
- As a matter of urgency, all forces should take steps to address the issues set out in this report in relation to the perceived failure of some officers to interact routinely with members of black and minority ethnic communities.

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