



Home Office

# **Police Powers of Stop and Search**

## Summary of Consultation Responses and Conclusions

April 2014

# Contents

Executive Summary .....	3
1. Consultation activities and summary of responses .....	5
2. Effectiveness .....	7
3. Balancing public protection and individual freedoms.....	15
4. Bureaucracy in policing.....	19
5. Fairness.....	22
Annex A: the consultation analysis methodology .....	35
Annex B: additional consultation analysis – demographic information.....	37
Annex C: list of organisations that responded to the consultation .....	41
Annex D: communication activities.....	47

# Executive summary

On 2 July 2013 the Home Secretary launched a consultation on the use of the powers of stop and search. These powers included the most common ones used by the police, covering offences from theft and drugs to serious violence and public disorder. The consultation aimed to gauge the views of the public, police, campaign groups and other organisations. These views were considered under the themes of:

- effectiveness;
- balancing public protection with the preservation of personal freedoms;
- reducing bureaucracy; and
- fairness.

The consultation generated considerable interest and debate and attracted over 5,000 responses from a diverse demographic. It also made use of a number of different media to engage the public and encourage as many people as possible to make their views known. The Government has now analysed the responses which are summarised in this document. As a result of the analysis and on the basis of other evidence submitted to the consultation, the Government has developed a number of proposals which it will implement. In summary, these are:

1. Revise the Police and Criminal Evidence Act 1984 (PACE) Code of Practice A to make clear what constitutes 'reasonable grounds for suspicion' – the legal basis upon which police officers carry out the vast majority of stops. The revised code will also emphasise that where officers are not using their powers properly they will be subject to formal performance or disciplinary proceedings.
2. Commission the College of Policing to review the national training of stop and search and work with Chief Constables and Police and Crime Commissioners to develop robust training for probationers, existing officers, supervisors and police leaders. Training for frontline officers should include awareness of unconscious bias in decisions concerning the use of the powers.
3. The College of Policing will consider introducing a requirement that stop and search training should be subject to assessment and refreshed on a rolling basis. Failure to pass would mean that officers could not use the powers in the course of their duties.
4. Introduce an annual review of the use of stop and search powers which could form part of Her Majesty's Inspectorate of Constabulary's (HMIC) new assessments for the public on the performance of forces.
5. Introduce a voluntary *Best Use of Stop and Search* scheme. Forces participating in the scheme will record the outcome of searches in more detail to show the link (or the lack of a link) between the object of the search and its outcome. This will allow the police to assess how well they are targeting their use of stop and search and using 'reasonable grounds for suspicion' in accordance with law.

6. To help achieve this additional transparency while saving as much police time as possible, the Home Office will work with Chief Constables and Police and Crime Commissioners to explore the possibility of the quick and efficient recording of information on the use of stop and search via the new Emergency Services Network and promote the practice to all forces in England and Wales.
7. In order to improve public understanding of the police and feed into best practice, forces participating in the **Best Use of Stop and Search Scheme** will introduce lay observation policies, whereby members of the local community can apply to accompany police officers on patrol.
8. Under the **Best Use of Stop and Search Scheme**, participating forces will introduce a stop and search complaints 'community trigger' whereby the police must explain to local community scrutiny groups how the powers are being used where there is a large volume of complaints.
9. Forces participating in the voluntary scheme will make clear to their communities that they will respect the case law in **Roberts** by making authorisations under Section 60 where it is necessary rather than just expedient to do so. In addition, forces participating in the scheme will raise the level of authorisation to a senior officer and that officer must reasonably believe that violence **will** take place rather than **may**, as things stand now. All forces, including those not in the scheme, must ensure that Section 60 stop and search is applied in accordance with case law and only used if necessary.
10. Under the voluntary scheme, police forces will limit the duration of an initial authorisation to 15 hours. They will also communicate with the communities involved in advance (where practicable) and afterwards, so that the public is kept informed of the purpose and success of the operation.
11. PACE Code of Practice A requires police forces to make arrangements for public scrutiny of their use of stop and search. The Home Secretary will write to all Chief Constables and Police and Crime Commissioners to tell them to adhere to the Code. If they do not do so, the Government will bring forward legislation to make this a statutory requirement.
12. Include stop and search data on police.uk. This will increase accountability and transparency and enable the general public to monitor the use of the powers.
13. Commission HMIC to review other stop powers, such as Section 163 of the Road Traffic Act 1988 – both the powers and their use – to make sure they are being used effectively and fairly. This will include an examination of the use of stop and search powers involving the removal of more than a person's outer clothing, including strip searches, to identify whether these searches are lawful, necessary and appropriate.

# 1. Consultation activities and summary of responses

- 1.1. The public consultation on police powers of stop and search was launched on 2 July 2013 and closed on 24 September 2013. It was scheduled to last for six weeks but was extended for an additional six weeks to provide greater opportunity for the public, particularly young people, to contribute.
- 1.2. We are grateful to all those who took the time to respond to the consultation, to which we received 5,071 formal responses and an additional 976 tweets. There were a number of different ways by which people could formally respond to the consultation:
  - online survey on the **gov.uk** website consisting of sixteen questions;
  - short five question survey hosted on Twitter;
  - short five question survey on the police.uk website; and
  - by post or email responses to the consultation mailbox.
- 1.3. The questions asked in the different surveys can be seen in Annex A. The shorter surveys were devised to be accessible from mobile devices and make the consultation more attractive and engaging to young people. Although the questions in the police.uk and Twitter surveys were posed slightly differently to those in the longer gov.uk survey, they were similar enough to enable all responses to be analysed together. In addition, there were a large number of tweets posted under the hashtag #stopandsearch (which the Home Office used in its tweets). Whilst not a formal response, these have been analysed and included in the analysis presented in this document.
- 1.4. We are also grateful to those people who attended consultation events across England and Wales undertaken by the Black Training and Enterprise Group (BTEG) and those hosted by the Home Office. We would also like to thank Dr Michael Shiner of the London School of Economics for chairing an academic discussion on the use of stop and search. This document provides a summary by the Home Office of all submitted consultation responses and associated consultation events. Further information on the methodology used can be found in Annex A.
- 1.5. While the consultation was open for anyone to respond to, it should be noted that those who did so were self-selected and therefore the responses received cannot be considered representative of the views of the public or different sectors in general. The numbers of responses reported in this analysis are actual numbers and have not been weighted. It should also be remembered that not everybody answered every question. Some responded directly to the questions, some answered only parts of questions and others commented more broadly on the overall content of the consultation.
- 1.6. A breakdown of the number of responses received by medium can be seen below:
  - Twitter survey: 2,191 (36%)
  - police.uk survey: 978 (16%)
  - gov.uk survey: 1,714 (28%)
  - post and email: 188 (3%)
  - tweets: 976 (16%)

1.7. The majority of respondents provided information on their background. Of the total responses 3,474 (69%) were from members of the public, 800 (16%) were from self-selected employees who work as part of the criminal justice system (including the police) and 797 (16%) were from other organisations. A fuller breakdown of the demographics of those who responded can be found in Annex B and a full list of those organisations which responded can be found at Annex C. Please note the figures reported in this document do not include those responses which were unclear.

## 2. Effectiveness

### Consultation questions

Question 1: To what extent do you agree or disagree that the use of police powers of stop and search is effective in preventing and detecting crime and anti-social behaviour?

Table 1: summary of responses to Question 1

Response	Number	Percentage
Strongly agree	2,249	46%
Tend to agree	748	15%
Neither agree nor disagree	204	4%
Tend to disagree	576	12%
Strongly disagree	1,113	23%
Don't know	30	1%
<b>Total</b>	<b>4,920*</b>	<b>100%</b>

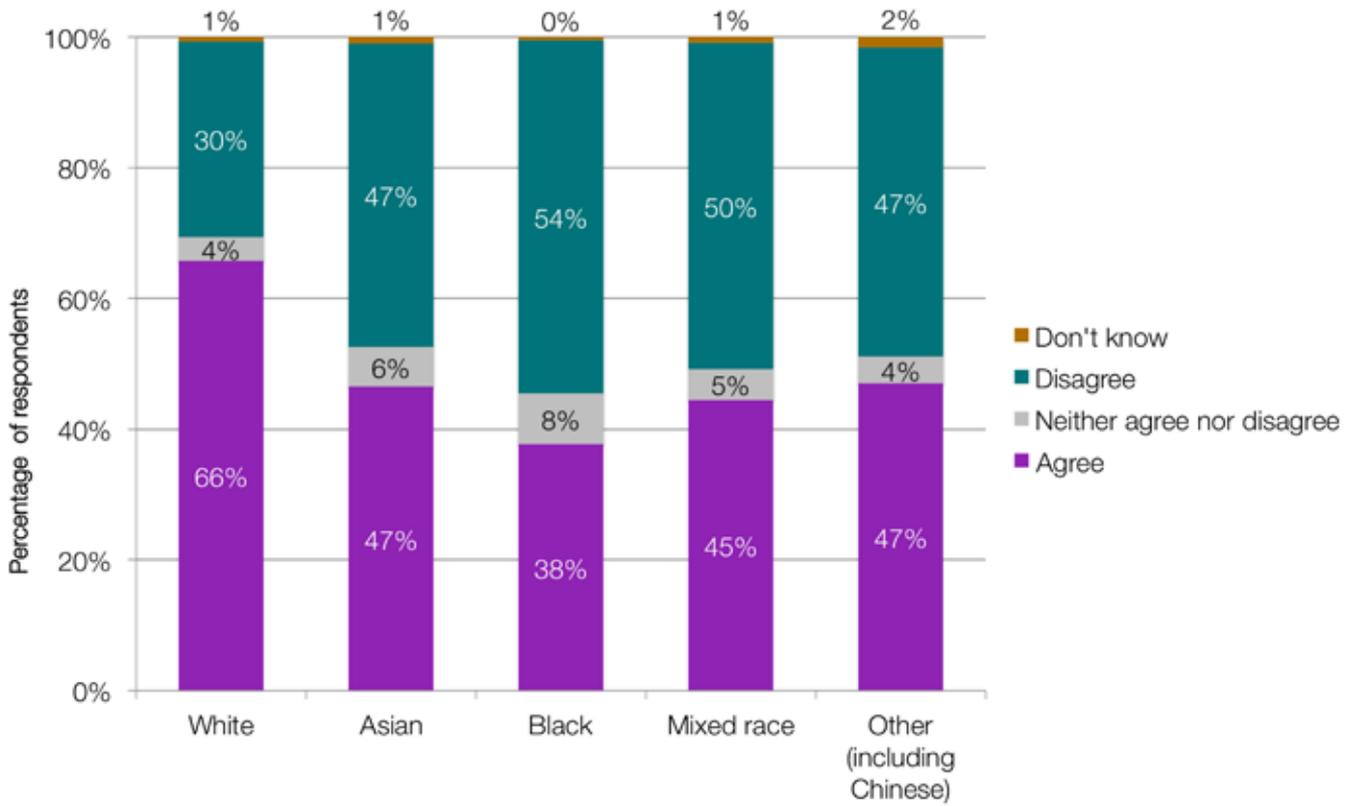
\*Question one featured in all three surveys (gov.uk, police.uk and Twitter).

- 2.1. In total 4,920 responses were received and of those, just under half (46%) strongly agreed that the powers were effective in preventing and detecting crime and anti-social behaviour. After 'strongly agreed' the next largest response category was for those who 'strongly disagreed' which indicates that many respondents had strongly held and divergent views about the power's effectiveness. Overall 61% of respondents agreed ('strongly agree' plus 'tend to agree') the powers were effective versus 34% who disagreed ('strongly disagreed' plus 'tend to disagree').<sup>1</sup>
- 2.2. The second part of question one asked respondents for an explanation of their view on effectiveness. By far the most common response was a belief that the powers have a deterrent or preventative aspect and that without a fear of being stopped and searched many more people would carry weapons and drugs. A substantial number of respondents indicated that they thought the police used the powers in a discriminatory way or to disproportionately target black and minority ethnic (BME) groups.

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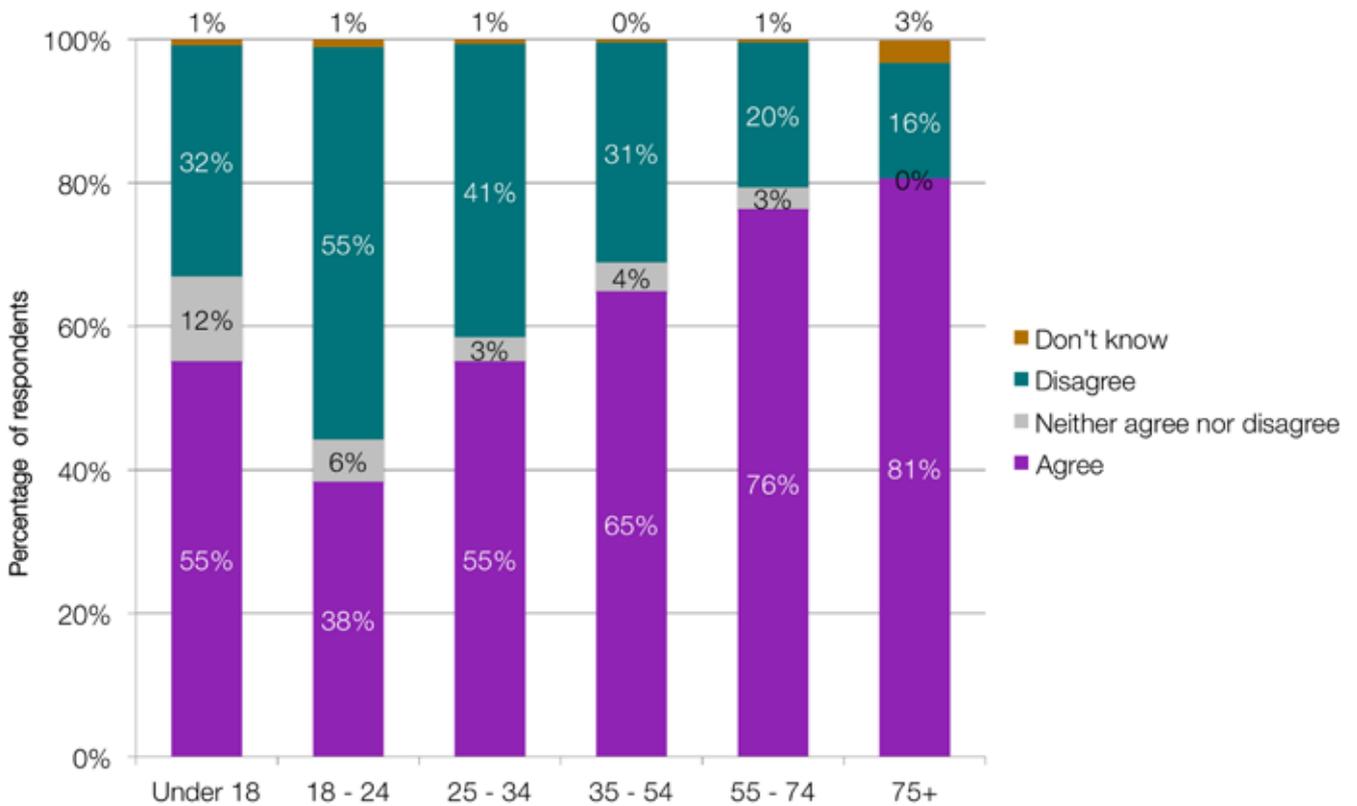
<sup>1</sup> Please note that the responses quoted may not always tally to the tables due to rounding.

Figure 1: summary of responses to Question 1 by ethnicity



2.3. Responses to question one varied considerably with ethnicity. White respondents were the most likely to agree that stop and search powers were effective with 66% agreeing overall, and black respondents were the least likely, with 38% agreeing overall. There was a similar level of agreement amongst all other ethnicities.

Figure 2: summary of responses to Question 1 by age



- 2.4. It can be seen from Figure 2 that the proportion of respondents who thought that stop and search powers were effective varied substantially by age, with all age groups over 24 increasingly likely to agree that they were effective. 18 to 24 year olds were the least likely to agree that the powers were effective with only 38% believing them to be so compared to 76% of those aged 55 to 74 (and 61% overall). Young people were much more likely to comment on the disproportionality of stop and search than older respondents. Responses from those aged over 25 indicated that they considered the deterrent effects of stop and search to be important. However, for non-white respondents of all ages, the largest number of comments in relation to question one concerned the disproportionate or discriminatory use of the powers.
- 2.5. Responses also varied substantially depending on whether they were received from police officers, people self-selected as working within the criminal justice system or members of the public. For example, 95% of police officers agreed that the powers were effective in preventing and detecting crime and anti-social behaviour compared to 55% of members of the public. A quarter of non-police respondents believe that the powers were used in a disproportionate or discriminatory way. This view was particularly common amongst employees within the criminal justice system and was expressed by almost half of young non-white respondents. Almost no members of the police expressed this view; of the six who did, three were from BME backgrounds.

## Social media analysis

- 2.6. The total number of tweets to the consultation were analysed to identify the number which expressed a view on whether the powers were used effectively. It was found that:
- seven tweets indicated that stop and search powers were used effectively by the police; and
  - two hundred and sixty-five tweeters commented that stop and search powers were **not** used effectively by the police.
- 2.7. A majority of people who commented on effectiveness felt negatively towards stop and search, saying that they felt the police discriminated against BME people when using it. The few people who commented positively said they thought it was a key tool to help the police, although some of them felt that the police needed to adopt a more intelligence-led approach when using them. Those who expressed a view on effectiveness via tweets were far more likely to express a negative view than those responding via any other medium.

## Campaign groups and organisations

- 2.8. A number of contributors questioned the evidence on whether the powers were effective in tackling crime – pointing particularly to the low stop and search to arrest rate<sup>2</sup> and the absence of rigorous data to measure prevention and deterrence. Whilst recognising that stop and search was designed to dismiss or confirm reasonable suspicion, participants at the academic discussion took the view that if the effectiveness of stop and search powers was measured only by the arrest rate, then they were a 'manifest failure'. This view was also echoed by people surveyed by the Black Training and Enterprise Group (BTEG). A respondent at one of its consultation events said that 'if stop and search were floated as a business idea in the Dragon's Den,<sup>3</sup> it would be laughed out by the panel given its lack of focus and poor outcomes in terms of arrest rate, crime reduction and adverse community relations.'

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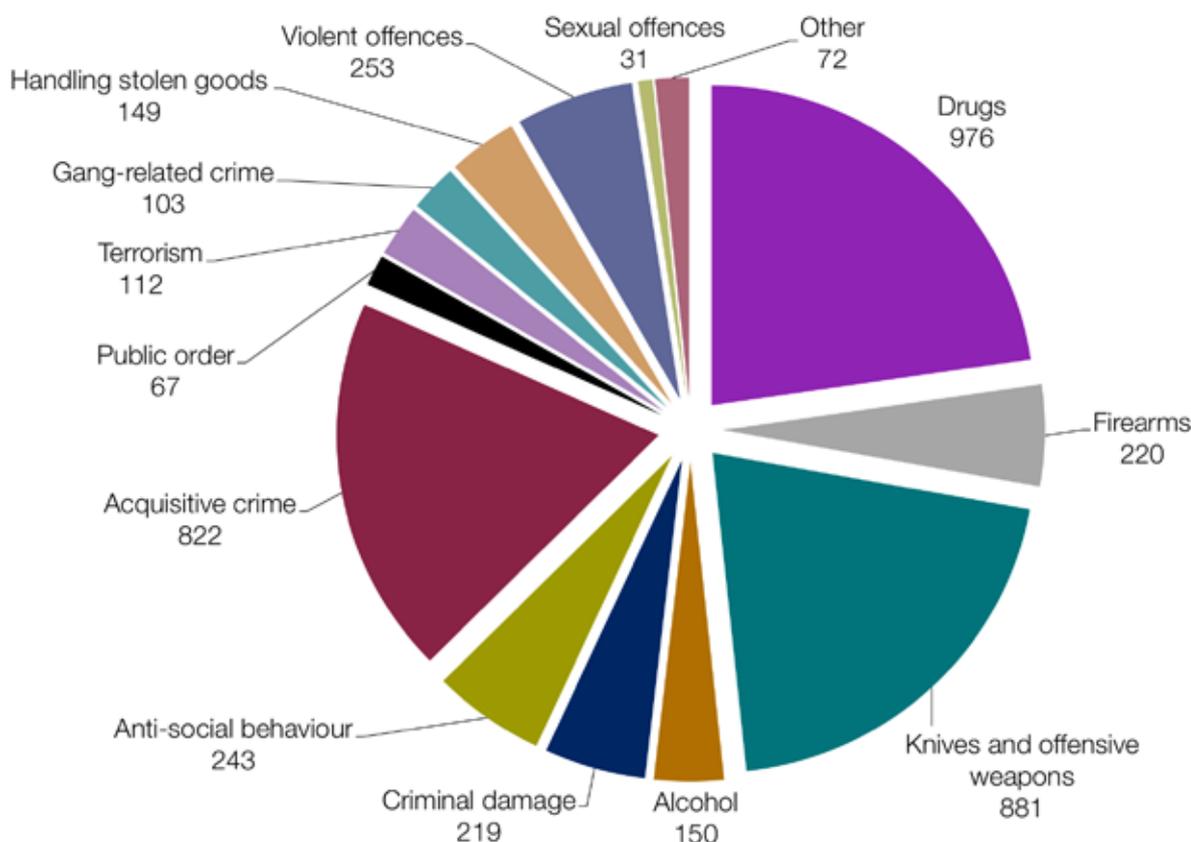
2 In 2012/13 the stop and search to arrest conversion rate was 10%. Police Powers and Procedures England and Wales 2012-2013. 2014.

3 The Dragon's Den is a BBC2 reality TV series in which aspiring entrepreneurs get three minutes to pitch their business ideas to five multi-millionaires willing to invest their own cash.

2.9. The HMIC thematic inspection into the use of stop and search powers found that police forces were not able to demonstrate an approach to using the powers based upon knowledge of how to make best use of them to prevent crime and catch criminals. Furthermore, it found that too many police forces could not explain what they achieved from their officers' use of stop and search, reflecting a lack of leadership and strategic operational oversight.

**Question 2: What are, in your view, the types of crime and anti-social behaviour that can be tackled effectively through the application of stop and search powers?**

Figure 3: Numbers of suggestions of the types of crime and anti-social behaviour that can be tackled effectively through the application of stop and search powers



2.10. Question two featured in the [gov.uk](http://gov.uk) survey only and there were 1,545 responses. In those responses, there were a total of 4,298 suggestions for the types of crime and anti-social behaviour that can be tackled effectively through the application of the powers. Figure 3 represents all the major types of crime which were mentioned. The most common type which respondents thought could be tackled effectively through the use of stop and search was the possession and supply of drugs. This was closely followed by the possession of knives and offensive weapons and acquisitive crime (including theft, robbery, shoplifting, muggings and burglary). Criminal damage, firearms, violent offences and anti-social behaviour were all mentioned in over 200 responses. A smaller number of those that responded thought that no crimes could be tackled effectively. These responses have not been included in the chart above.

2.11. Young people's views (those under 24) on the types of crime that can be dealt with effectively mirrored those of older people, except for acquisitive crime, where fewer young people expressed a belief that this was effectively addressed.

## Campaign groups and organisations

- 2.12. Generally campaign groups did not directly address this question. Of those that did, the common view was that stop and search powers were good in tackling offences involving serious violence (involving weapons), robbery, burglary and drugs. The Metropolitan Police Service (MPS) submitted data which supported this. From September 2012 to August 2013, within the MPS area, 6,636 persons were arrested for possession of offensive weapons as a result of stop and search and 650 were arrested for firearms offences. Over the same period, the MPS arrested 13,793 persons for stolen property as a result of stop and search and 3,682 persons were arrested for going equipped to steal. These figures show that the use of the powers in certain circumstances does result in the detection of offences and, in some cases, could have prevented a death where a knife or firearm had been found.
- 2.13. A number of campaign groups expressed concern about the use of Section 23 of the Misuse of Drugs Act 1971 which enables officers to stop and search for suspected drug possession. StopWatch, for example, pointed out that half of all stop and searches in England and Wales were carried out on the basis of a suspicion that an individual is in possession of drugs. Of these (and as HMIC found), the majority were probably for low-level street possession of drugs. Only one in ten searches was for an offensive weapon and one in 100 for firearms or criminal damage (these being examples of serious crime and disorder).
- 2.14. Some campaign groups queried whether, on balance, it was the right approach to use the powers for low-level drug possession offences where there was a danger of souring police and community relations. Many campaign groups said that police forces should review their application of the powers and seek to deploy them sensitively, in a targeted way to tackle serious crime and violence and led by intelligence.

### Question 3: To what extent do you agree that the arrest rate following stop and search events is a useful measure of the power's effectiveness?

Table 3: summary of responses to Question 3

Response	Number	Percentage
Strongly agree	1,179	24%
Tend to agree	917	19%
Neither agree nor disagree	526	11%
Tend to disagree	886	18%
Strongly disagree	1,346	27%
Don't know	65	1%
<b>Total</b>	<b>4,919*</b>	<b>100%</b>

\*Question three featured in all three surveys (gov.uk, police.uk and Twitter).

- 2.15. Question three, which asked whether the arrest rate was a useful measure of the effectiveness of stop and search, was answered by 4,919 respondents. Forty-three percent agreed that the measure was useful and 45% disagreed. The largest response category was those who strongly disagreed (27%), closely followed by those who strongly agreed (24%). Again, this indicated many strongly-held views at both ends of the spectrum.

- 2.16. Twenty-five to thirty-four year olds were the least likely to agree that the arrest rate was a useful measure and those aged from 55 to over 75 were most likely to. Responses did vary by ethnicity but not by a great deal. Those respondents who stated they were of mixed or other ethnicity were the most likely to disagree that the arrest rate was a useful measure.
- 2.17. Employees within the criminal justice system and police officers were about half as likely as members of the public to agree that the arrest rate was a useful measure of effectiveness.
- 2.18. The second part of question three asked respondents for an explanation of their view. Many respondents used this as an opportunity to reiterate their previously-stated position. However, there were some who indicated that crime prevention or deterrence were important, as were other disposals and outcomes, for example subsequent charges or convictions as a result of the stop and search.
- 2.19. Young people were less than half as likely to mention any preventative or deterrent effects of stop and search, but twice as likely to mention negative effects of the use of the powers (compared to all responses). The deterrent effect of stop and search was mentioned most frequently in the responses from police officers, however fewer than one in fifty considered the possible negative effects of the powers on community relations and public order. As with other open questions in the consultation, many respondents, while not responding to the specific points, raised other points either in favour of, or in opposition to, the effectiveness of the powers.

## Campaign groups and organisations

- 2.20. Various groups agreed that the arrest rate was a limited measure and might lead to a distorted view of the effectiveness of stop and search – either by not reflecting the broad range of possible outcomes that could follow from a stop and search encounter, or by assuming that any positive search was connected to the reason for the search. On the former: there are a number of outcomes beyond arrest that may result, such as community resolutions, fixed-penalty notices and cannabis warnings. The HMIC thematic report found that despite this, fewer than half of police forces recorded whether a stop and search encounter resulted in a non-arrest disposal. The report went on to say, that by not recording other outcomes, the ability of the force to assess the effectiveness of stop and search powers was hindered.
- 2.21. Although stop and search could be assessed as being more effective than the arrest rate reveals, it may also be that the current recording requirement conceals ineffective use. Some campaign groups made the point that where a stop and search is not connected to the outcome, this could conceal the fact that the way the stop and search was conducted actually led to the arrest (for example if the encounter itself triggered an angry reaction by the person searched, this could result in the person being arrested for a public order offence). This disconnect also makes it difficult to assess whether officers were carrying out stop and searches lawfully i.e. whether officers were, as required by Section 1 of PACE and Section 23 of the Misuse of Drugs Act 1971, searching on the basis of reasonable grounds for suspicion.

## Question 4: In your view, what other things, beyond the number of resulting arrests, should be considered when assessing how effective the powers of stop and search are?

2.22. There were a total of 1,447 relevant responses to question four which only featured in the [gov.uk](https://www.gov.uk) survey. Of these, a considerable proportion considered that prevention and deterrence effects should be taken into account when assessing the effectiveness of stop and search powers. Many responses called for greater clarity on how effective the powers were in reducing local levels of crime and in deterring reoffending. There was also support for a broader range of outcomes, following a stop and search, to be recorded and considered when assessing the powers' effectiveness. These included street cautions, fixed-penalty notices, confiscations, charges and convictions. Smaller numbers of respondents noted that either positive or negative community effects following the use of stop and search should be considered e.g. levels of trust in the police or community confidence.

## Campaign groups and organisations

2.23. Common answers to this question mirrored the responses to question three. Many thought that a broad range of possible outcomes should be recorded. This would help to determine whether the use of stop and search was effective, add to local intelligence and address perceptions that stop and search was ineffective.

2.24. There were a number of respondents who drew attention to the impact that improper, or even routine use, can have on local communities. The power of stop and search is, by its very nature, intrusive. Some held strong views about the manner in which stop and search is carried out – citing incivility and overbearing conduct on the part of officers as a barrier to community engagement.

2.25. A number of campaign groups quoted HMIC's findings (from a survey they conducted for their thematic inspection), that 47% of people who had been stopped and searched felt that they had not been treated with respect. Forty-four percent felt the police had acted unreasonably. A large number of campaign groups thought that this kind of experience had a corrosive effect on police and community relations. The academic consultation group argued that effective policing was about keeping the peace and 'policing by consent'. That being the case, it was suggested that negative impacts as a result of its use should be factored into any measurement of effectiveness, although there was little consensus as to how to capture levels of dissatisfaction. One suggestion was to factor in the number of complaints, although there were some who questioned the integrity of the complaints procedure.

## Government response

2.26. Stop and search powers, when used properly, are an important tool in the fight against many kinds of crime. Their effectiveness can be measured in a variety of ways from arrests and out of court disposals to the more difficult to quantify, such as the prevention and detection of crime. Police and community relations are an indirect measure of the effectiveness of stop and search. If their use causes a loss of confidence within the community, then the principle of policing by consent is undermined and the ability of the police to work in partnership with the community to tackle crime is reduced.

2.27. It is crucial that the police use their powers of stop and search professionally, with knowledge of when they are appropriate and how to deploy them in a way which is less likely to lead to negative perceptions. More work is needed to better understand their use in practice and more evidence should be used to inform the training of officers on what works. The effective use of the powers should be targeted, intelligence led and result in more outcomes directly related to the reason for the search. Above all it should be conducted lawfully, courteously and in a professional manner.

2.28. The Government will:

- commission the College of Policing to review the national training of stop and search and work with Chief Constables and Police and Crime Commissioners to develop robust training for probationers, existing officers and supervisors. Any new training requirements specifically, on stop and search, should be subject to assessment and refresher training. Failure to pass would mean that officers could not use the power in the course of their duties. Inclusion of stop and search in police leadership training will also be considered;
- introduce an annual HMIC review of the use of stop and search powers. HMIC are developing new assessments for the public on the performance of police forces across a number of categories – stop and search will be one of these. We will explore the role that the College of Policing (and its Independent Advisory Group) could have in the reviews, such as ensuring that recommendations are responded to;
- introduce a voluntary *Best Use of Stop and Search Scheme*, under which forces will record whether the outcome of a stop and search is connected to the grounds for suspicion and therefore the object of the search. This will better enable police forces and supervisors to assess the effectiveness of this tool in tackling crime and increase accountability through more effective scrutiny<sup>4</sup>; and
- as part of the *Best Use of Stop and Search Scheme*, call for a broader range of outcomes that can result from a stop and search, such as fixed-penalty notices, cautions and community resolutions, to be recorded. This could be achieved without adding significantly to bureaucracy, particularly where police forces use technology to record data efficiently and effectively. We will work with the Reducing Bureaucracy Programme Board to monitor the requirement and keep it under review.

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<sup>4</sup> Under PACE currently the police are required to record the ethnicity, the object of the search, the grounds for search, the date, time, place and the identity of the officer carrying it out.

### 3. Balancing public protection and individual freedoms

Question 5: To what extent do you agree or disagree that the 'with reasonable grounds' stop and search powers, described in the paragraphs above, are used by police in a way which effectively balances public protection with individual freedoms?

Table 5: summary of responses to Question 5

Response	Number	Percentage
Strongly agree	774	44%
Tend to agree	295	17%
Neither agree nor disagree	96	5%
Tend to disagree	196	11%
Strongly disagree	356	20%
Don't know	44	2%
<b>Total</b>	<b>1,761*</b>	<b>100%</b>

\*Question five featured in just the gov.uk survey.

- 3.1. There were 1,761 responses to question five, with 44% strongly agreeing that the powers were used in a way which effectively balanced public protection and individual freedoms. Overall levels of agreement (61%) were almost twice as high as overall levels of disagreement (31%). Few responses neither agreed or disagreed (5%) or did not know (2%).
- 3.2. Responses by age varied considerably with those aged over 25 more likely to agree that the powers were used in a way which effectively balanced public protection with individual freedom. Responses by ethnicity varied to a large extent with white respondents over twice as likely as black to agree that the powers were used in a balanced way. There was also less agreement amongst Asian and mixed race responses than overall. Police officers were substantially more likely than members of the public and other respondents to agree with the statement in question five.
- 3.3. Question five also gave an opportunity for explanations of views to be submitted. These varied considerably with many responses stating a belief that the majority of police officers used the powers fairly and effectively. Similar numbers of responses expressed a belief that the powers were used in a discriminatory way or in a way that disproportionately targeted those from BME groups and that 'reasonable grounds' were too subjective, broad and hard to use in practice. Non-white respondents of all ages were far more likely to comment on the disproportionate, discriminatory, disrespectful or racist use of stop and search powers. A slightly smaller, but still large, number of respondents thought that use of the powers was reasonable as long as they were justified.

## Campaign groups and organisations

- 3.4. To be stopped and searched is to restrict the movement of an individual, often causing inconvenience. It is also an intrusive power, and one which can interfere with the privacy of the person being searched. The majority of campaign groups saw the power as a necessary tool to be able to fight serious crime (the 'with reasonable suspicion' powers). It was also acknowledged that it is an intermediate power designed to allay or confirm suspicion. In many cases this does away with the need to make an arrest – a far more coercive power which often means a period of time in custody.
- 3.5. Whilst the majority of campaign groups held this view, it was not without qualification. Many were content that the test of Section 1 of PACE and Section 23 of the Misuse of Drugs Act 1971 was the right one and that the safeguards set out in PACE Code of Practice A were adequate<sup>5</sup>. Others thought that the test of 'reasonable grounds' should be clarified – perhaps codified in law. Either way, the majority of partners thought that the problem was not the law or the codes themselves, but the use of the power by police officers.

**Question 6: To what extent do you agree or disagree that the 'without reasonable grounds' stop and search powers described in the paragraphs above are used by police in a way which effectively balances public protection with individual freedoms?**

Table 6: summary of responses to Question 6

Response	Number	Percentage
Strongly agree	755	43%
Tend to agree	296	17%
Neither agree nor disagree	171	10%
Tend to disagree	143	8%
Strongly disagree	315	18%
Other	79	4%
<b>Total</b>	<b>1,759*</b>	<b>100%</b>

\*Question six featured in just the gov.uk survey.

- 3.6. Question six related to the stop and search powers in Section 60 of the Criminal Justice and Public Order Act 1974. In specific circumstances (and where an authorisation from a senior officer has been given) an officer can make any search he thinks fit whether or not he has reasonable grounds. The responses to question six were similar to the previous related question (five) with 60% of responses overall agreeing that the powers were used in a way which effectively balanced public protection and individual freedoms as opposed to 26% who disagreed. Twice as many responses (as question five) neither agreed or disagreed (10%) or did not know (4%) which indicates a greater level of uncertainty in the responses overall.
- 3.7. As with question five, responses by age and ethnicity varied considerably. Those aged over 25 were more likely to agree that the powers were used in a way which effectively balances public protection with individual freedom. Those under 18 were least likely to agree. White respondents were much more likely to express agreement than other ethnic groups. Police

5 Concerning the proper use of the power, including the requirement to explain the reasons for the search and to conduct it in a courteous and respectful way.

officers were substantially more likely than members of the public and other respondents to agree (though to a lesser extent than for question five).

- 3.8. As with many of the consultation questions, question six also invited explanatory text. A substantial proportion of those explanations expressed the view that the use of Section 60 powers was acceptable as long as they were necessary and justifiable, for example, to ensure public safety and protection during riots or football violence. These views were far more likely to be expressed by older, white respondents.
- 3.9. Few police officers said that Section 60 powers were applied in a manner which could be disproportionate, discriminatory, disrespectful or racist. The majority said that Section 60 powers were acceptable if justified or necessary for safety. As with question five, a number of responses raised issues around police discrimination and misuse of the powers in a way which created distrust in the police or community tensions. Non-white respondents were three times more likely to express this view than white ones.

## Campaign groups and organisations

- 3.10. Police forces saw the importance of this power for its stated purpose – to ensure that serious violent crime was either prevented or could be dealt with within a particular geographical area and specified time limits. But many campaign groups were either cautious or opposed to the existence of a police power which enabled an officer to stop and search a person without any grounds. The academic consultation group recommended abolition as they believed that a power of stop and search based on reasonable grounds was sufficient. Falling short of abolition, they thought that some form of independent authorisation, such as by the judiciary, should be introduced.

## Government response

- 3.11. In a free society the liberty of the individual must be assured through law and the enforcement of that law. The powers of stop and search are an example of the legal powers that the police have to protect the public – enabling individuals to live their life without being the victim of another's wrongdoing.
- 3.12. However, the police need to be aware of the intrusive nature of stop and search powers and exercise them only where there is a genuine, lawful and proportionate reason for doing so. In the case of powers under Section 1 of PACE and those under Section 60 of the Criminal Justice and Public Order Act 1994, this means having a clear understanding of the basis for the use of the power i.e. knowing what reasonable grounds for suspicion are.
- 3.13. For the powers that require no reasonable suspicion (those under Section 60 of the Criminal Justice and Public Order Act 1994), it is even more important to use them sparingly and sensitively as their use can be perceived as arbitrary and unjustified. These powers are important for the purposes of tackling violent crime – particularly knife crime – but their impact in relation to their frequency of use indicates that they are not being used effectively. There needs to be a different approach to the use of such powers, one which is clear about when such powers can be used and that considers the available alternatives in any given situation.

### 3.14. The Government will:

- commission the College of Policing training review to include a particular focus on what constitutes reasonable grounds for suspicion in line with PACE Code of Practice A. The College will consider introducing a requirement that the training of officers on stop and search will be subject to assessment - the passing of which will be a condition for using the power. The College of Policing will also consider introducing refresher training which, again should be subject to assessment; and
- forces participating in the voluntary *Best Use of Stop and Search Scheme* will make clear to their communities that they will respect the case law in *Roberts*, by making authorisations under Section 60 where it is necessary rather than just expedient to do so. In addition, forces participating in the scheme will raise the level of authorisation to a senior officer and that officer must reasonably believe that violence *will* take place rather than *may*, as things stand now. All forces, including those not in the scheme, must ensure that Section 60 stop and search is applied in accordance with case law and only used if necessary.

## 4. Bureaucracy in policing

Question 7: To what extent do you agree that it is right that the police are under a national requirement to record the information set out above in respect of each stop and search?

Table 7: summary of responses to Question 7

Response	Number	Percentage
Strongly agree	2,837	58%
Tend to agree	992	20%
Neither agree nor disagree	279	6%
Tend to disagree	333	7%
Strongly disagree	422	9%
Don't know	34	1%
<b>Total</b>	<b>4,897*</b>	<b>100%</b>

\*Question seven featured in all three surveys (gov.uk, police.uk and Twitter).

- 4.1. A total of 4,897 responses to question seven were received. Of those a large majority (78%) agreed that it was right that the police are under a statutory requirement to record the following information in respect of each stop and search:
- Ethnicity
  - Object of search
  - Grounds for search
  - Identity of the officer carrying out the search
  - Date
  - Time
  - Place
- 4.2. Responses varied little by age or ethnicity. Black and white respondents were equally likely to agree and the proportion of responses from other ethnic groups varied only a little. Police and employees within the criminal justice system were more likely to agree than members of the public – but only marginally.
- 4.3. Reasons put forward were almost all to do with the importance of recording as a check against misuse of the powers and to increase police accountability. Some respondents thought that recording should be easier and less bureaucratic and a similar number thought that more information should be collected. A number of those who responded also thought that ethnicity should not be recorded as it was irrelevant and could be misleading.

## Campaign groups and organisations

4.4. The vast majority of campaign groups were supportive of the existing recording requirements – including the majority of police contributions. The reasons given were mainly about monitoring the powers to ensure they are used fairly and without discrimination. It was clear from the responses to question one and three of the consultation that there was a need to ensure sufficient data was available to be able to assess both the effectiveness of stop and search and its social impact.

**Question 8: In your view, should Government require police forces to record stop and search events in a certain way (for example, using particular technology) or are individual forces better placed to make this decision?**

Table 8: summary of responses to Question 8

Response	Number	Percentage
Government should define	362	21%
Police forces should decide	463	27%
View not given	888	52%
<b>Total</b>	<b>1,713*</b>	<b>100%</b>

\*Question eight featured in just the gov.uk survey.

4.5. Views on question eight were almost evenly balanced. Of those that stated a view, a small majority (56%) believed that police forces were better placed to make the decision on how they should record stop and search events, although a very large number of responses failed to express a view either way. There was little variation in responses to this question across age, ethnicity or occupational groups.

4.6. Some of the respondents who gave reasons for their answer raised concerns around consistency and comparability if recording decisions were defined by local police forces and others questioned whether a solution involving technology was affordable. A range of suggestions were made about how best to capture information, from paper based to body worn video cameras. The most frequent suggestion was for a handheld device such as a smart phone with secure applications.

## Campaign groups and organisations

4.7. The most common response to this question was that technical solutions for collecting data should be a local matter for the Chief Constable and Police and Crime Commissioner to meet local needs. There were two main stated reasons for this: firstly that police forces have different needs dependent on their local policing context, and secondly, that decisions on investment in operational technology were properly a matter for the police force holding the budget.

## Government response

- 4.8. As far as possible the police should be freed from unnecessary paperwork, enabling them to focus on the job of fighting crime and protecting the public. But to be able to make the best use of police time, information on stop and search needs to be recorded and processed. This will enable police forces to monitor whether stop and searches are effective. Searches conducted too often and for little reason is a waste of police time.
- 4.9. With the increasing use of technology by officers on the front line, modest recording requirements should not take much time. There are many non-paper ways of collecting data efficiently and effectively. Good examples of innovative solutions which reduce bureaucracy can be found across England and Wales. Greater Manchester Police, for example, are using Airwave to capture data – most of which is captured automatically with little input from the officer. Building on this success, other police forces (such as Staffordshire) have begun to mirror their approach.
- 4.10. There are potential benefits to police forces developing local technological solutions to minimise bureaucracy. However, there are also benefits in collaborative approaches and by police forces taking advantage of tried and tested technologies that deliver demonstrable results. Ultimately the approach taken is for the Chief Constable and Police and Crime Commissioner of each police force to decide - but the potential gains of investing in time-saving technology should not be underestimated.
- 4.11. The Government will:
- retain the existing data requirements and, under the ***Best Use of Stop and Search Scheme***, introduce additional information capture to better understand the ways that stop and search can be used to good effect (as detailed in paragraph 2.28 above);
  - promote consistent data recording, although the way that the data is collected should remain a local decision for the Chief Constable and Police and Crime Commissioner; and
  - work with Chief Constables and Police and Crime Commissioners to explore the future possibilities of quickly and efficiently recording information on the use of stop and search via the Emergency Services Network. Further, we will promote the practice to all police forces across England and Wales.

## 5. Fairness

Question 9: To what extent do you agree or disagree with the following statement: 'I am confident that the police use stop and search powers fairly to prevent and detect crime and anti-social behaviour?'

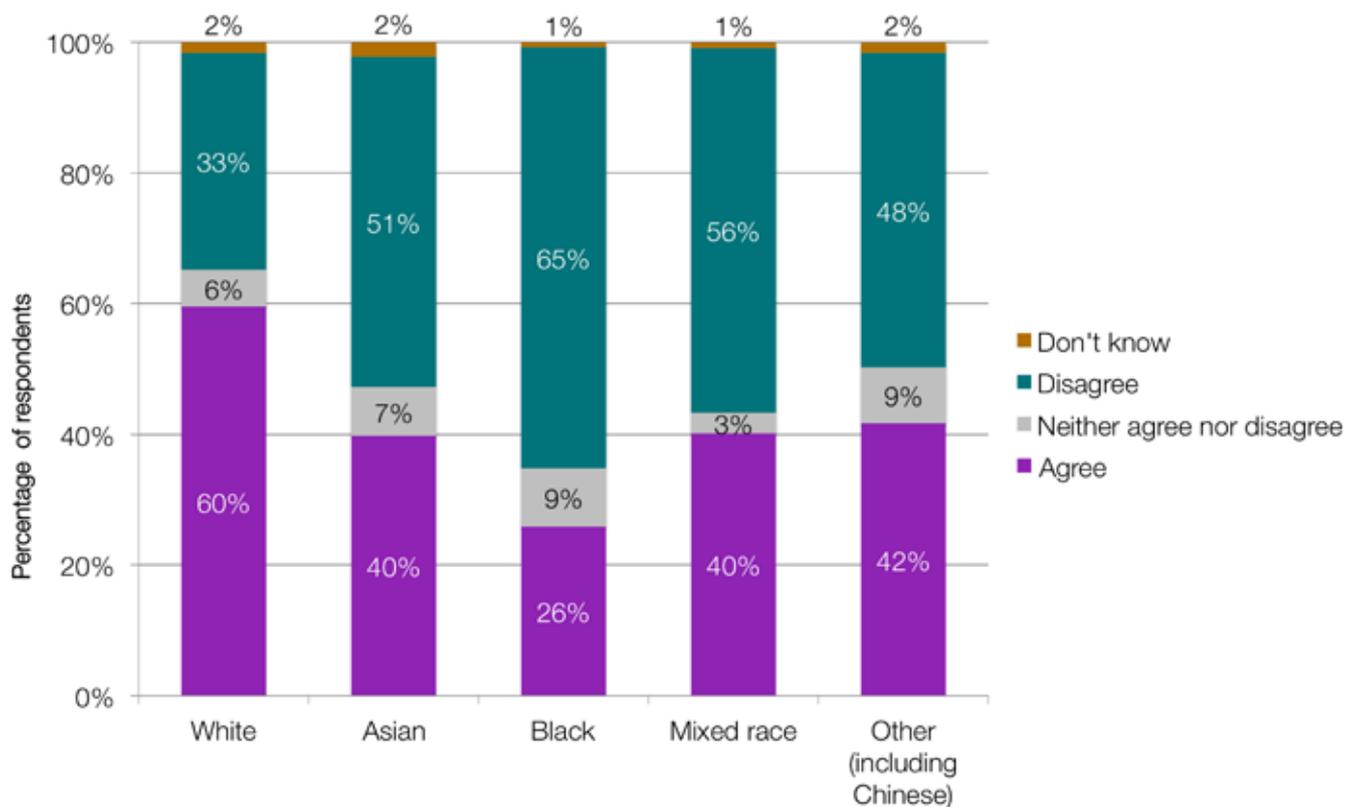
Table 9: summary of responses to Question 9

Response	Number	Percentage
Strongly agree	1,827	37%
Tend to agree	850	17%
Neither agree nor disagree	298	6%
Tend to disagree	563	11%
Strongly disagree	1,306	27%
Don't know	79	2%
<b>Total</b>	<b>4,923*</b>	<b>100%</b>

\*Question nine featured in all three surveys (gov.uk, police.uk and Twitter).

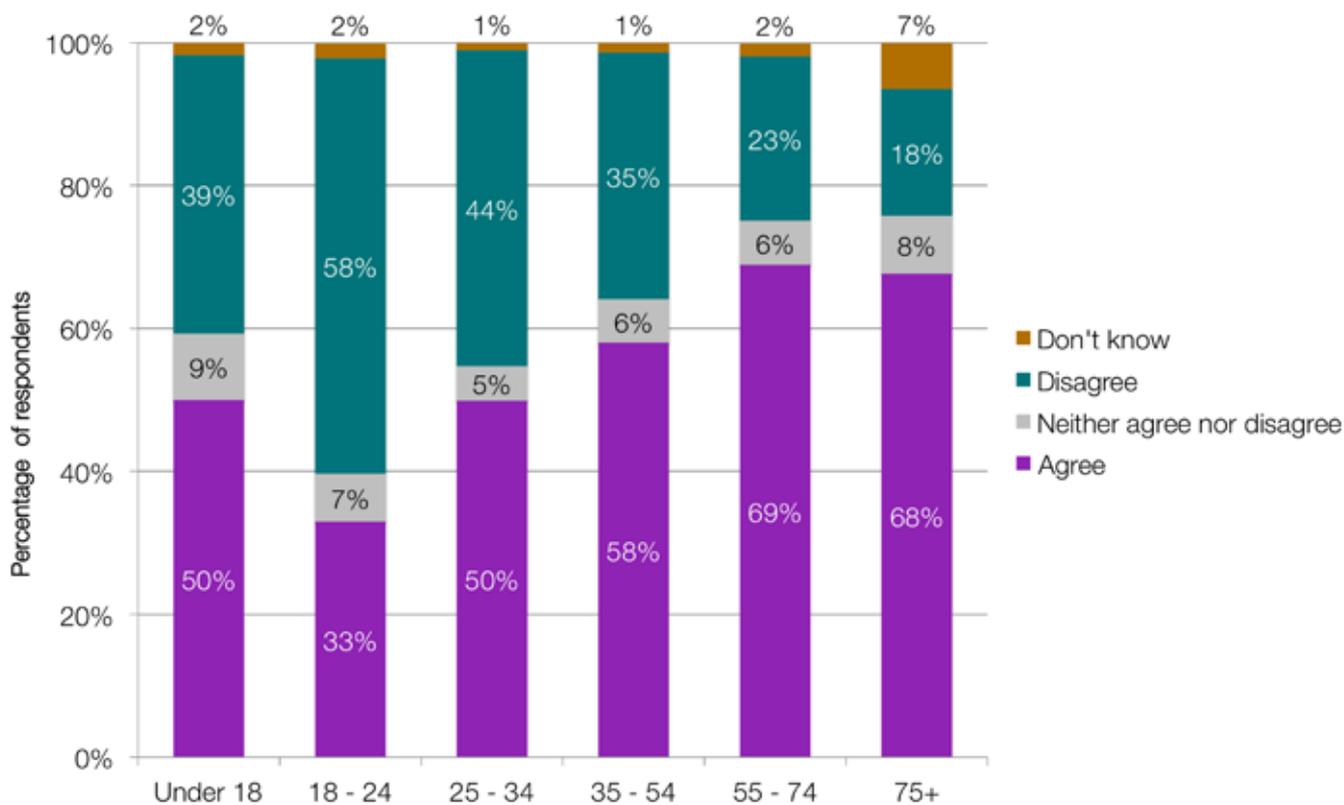
5.1. Question nine asked for views on how confident people were that the police used stop and search powers fairly. Of the 4,923 responses to this question, a majority (54%) agreed that they were confident that the police's use of the powers was fair. The single largest response category was those who 'strongly agreed' at 37% and the next largest was those who 'strongly disagreed' at 27% which indicates that this was an area where views were strongly held and opposing.

Figure 4: summary of responses to Question 9 by ethnicity



5.2. In a similar way to question one, responses to question nine varied considerably with ethnicity. White respondents were the most likely to agree with the statement 'I am confident that the police use stop and search powers fairly...' with a majority of 60% who agreed. Black respondents were the least likely to agree at only 26%. There was a similar level of agreement amongst all other ethnicities and overall the majority of all ethnic groups tended to disagree with the statement. Police officers were the most likely to agree that the police used stop and search fairly, closely followed by employees working within the criminal justice system. Members of the public were the least likely to agree.

Figure 5: summary of responses to Question 9 by age



- 5.3. It can be seen from figure 5 that the proportion of respondents who were confident in the fair use of stop and search powers varied substantially by age; with all age groups over 24 increasingly likely to agree that they were used fairly. Eighteen to twenty four year olds were the least likely to agree that the powers were used fairly with only 33% believing that to be the case compared to 69% of those aged 55 to 74 (and 54% overall).
- 5.4. Of those who submitted further explanation, the most common response was a belief that the majority of police officers used the powers effectively and with integrity and did not discriminate. However, the next most common response was an opposing belief that some or all police officers used the powers in a disproportionate, discriminatory, disrespectful or racist manner which created distrust in the police and harmed community relations. This was consistent with the numbers in table 5 above. The difference between white and non-white respondents' answers was striking: nearly twice the number of non-white respondents believed that the powers of stop and search were used in a discriminatory or disproportionate way, than thought that police used the powers effectively or with integrity and without discrimination. However, three times the number of white respondents believed that police used the powers effectively or with integrity and without discrimination, than thought that the powers of stop and search were used in a discriminatory or disproportionate way.
- 5.5. Of the 48 responses received from BME respondents aged under 25, over a third expressed their belief that the powers of stop and search were used in a discriminatory or disproportionate way. Of these a substantial number called for greater supervision and oversight, including a stronger test than reasonable doubt.

5.6. Whilst a number of responses indicated no personal experience of unfairness, a slightly smaller number indicated the opposite (i.e. personal experience). We did not directly ask about personal experiences – these responses were volunteered. Many of those who responded felt that the powers were not applied properly or consistently. Some respondents felt that there were sufficient safeguards in place around the use of the powers. A similar number indicated little or no trust in the police.

## Social media analysis

5.7. Using the same methodology as for question one, 976 tweets were analysed to identify the number which expressed a view on whether the powers were used fairly. It was found that:

- ten tweets indicated that the powers were used fairly by police; and
- two hundred and fifty-five tweeters felt that the powers were **not** used fairly by police

5.8. As was found when analysing tweets on the effectiveness of stop and search, the majority of people who expressed a view via Twitter on the fairness of the powers had negative views. The most widely-held view was that the police used the powers disproportionately against BME people. The few who expressed a view that stop and search powers were being used fairly by the police tended to say that they felt the police used the powers on people of all ethnicities.

## Campaign groups and organisations

5.9. A large number of responses referred to the statistics which showed stop and search to be used disproportionately more on young people and those from BME groups. Whilst there is no simple, clear-cut reason for this disproportionality, many asserted that the powers were not used in a way that is fair. At the BTEG consultation events (which focussed mainly on young BME groups) many participants used adjectives such as 'abusive', 'aggressive', and 'racist' to describe the use of stop and search.

5.10. Whilst a minority of respondents stated explicitly that the powers of stop and search were used intentionally by the police in a way which discriminated against particular groups, many agreed that the basis for the powers' use was not the 'reasonable grounds for suspicion' that legislation required.<sup>6</sup> Many cited HMIC's findings on the present levels of knowledge as to what reasonable suspicion was and the possibility that large numbers of officers were conducting stop and searches unlawfully.

## Question 10: What would give you greater confidence in the police's use of stop and search powers?

5.11. Question ten featured in the [gov.uk](https://www.gov.uk) survey only and there were 1,382 responses which directly answered this question. Of those, the most common responses were calls for the police to use the powers properly and with greater accountability and transparency, for example through the use of body worn video cameras, better recording and publicly accessible data. Many responses (including a large number from police officers) indicated that they were already confident in the police's use of stop and search powers. However, this picture was not mirrored by non-police respondents, who were far more likely to call for greater accountability and scrutiny of the use of the powers and who expressed a lack of confidence in the present application of the powers.

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<sup>6</sup> Under Section 1 of PACE and Section 23 of the Misuse of Drugs Act 1971.

- 5.12. Fewer responses explicitly called for better training, supervision and action to be taken against those officers shown to be misusing the powers. Fewer still called for additional stop and search powers and fewer restrictions on the use of the existing powers. Small numbers of responses suggested the following would give them greater confidence:
- better data on whether the police's use of stop and search powers is really discriminatory or disproportionate;
  - the police treating people with respect;
  - the police needing higher authority or more evidence to exercise stop and search powers;
  - a higher rate of effectiveness;
  - greater community involvement; and
  - a better or more robust complaints system.
- 5.13. In addition, a small number of respondents indicated that nothing could give them greater confidence. A number of police respondents expressed the view that more support from Government for the police service in general, and their use of the powers in particular, would have a considerable effect on the public's confidence in the use of stop and search.
- 5.14. Ethnic minority respondents were less than half as likely to express confidence in the police's use of stop and search. Respondents aged under 25 were much more likely to highlight the need for the proper use of powers (targeted searches with reasonable grounds, proper explanations and a clear absence of discrimination).

## Campaign groups and organisations

- 5.15. Respondents' confidence was largely dependent on whether the police used the powers lawfully and followed the PACE Code of Practice A. Some went further by proposing that the existing PACE Code of Practice A needed to be strengthened to make clear that 'reasonable suspicion' – the threshold for triggering a stop and search under Section 1 of PACE – must be judged objectively.
- 5.16. Another theme was confidence in the complaints system. Some campaign groups pointed to the complaints process itself and questioned whether there can be confidence when a complaint about the police is investigated by the police.<sup>7</sup>
- 5.17. Linked to the development of a more effective complaints system, some contributors were enthusiastic about the possibilities of body worn video. Where stop and search encounters were recorded audio-visually, contributors thought that the creation of a record that could be examined following a complaint about an officer would be beneficial. It would also provide useful material for performance monitoring purposes. Others made reference to evidence which suggested that the use of body worn video has a moderating influence on the behaviour of individuals engaged by the police and that it could lead to fewer complaints.
- 5.18. More effective leadership and better training for frontline officers were also thought to be important to increase confidence. Others thought that if there was little responsibility at the strategic level for the fair use of the powers, it was unlikely that officers on the front line would be equipped to use their powers in the most effective way.

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<sup>7</sup> Lower level complaints, under which many stop and search complaints fall, are dealt with by Professional Standards Departments within forces. The Independent Police Complaints Commission is responsible for investigating complaints of a more serious nature.

## Question 11: To what extent do you agree or disagree that the current requirement to explain the reasons for the stop and search make the use of the power more fair and transparent?

Table 11: summary of responses to Question 11

Response	Number	Percentage
Strongly agree	849	48%
Tend to agree	396	23%
Neither agree nor disagree	174	10%
Tend to disagree	120	7%
Strongly disagree	185	11%
Don't know	35	2%
<b>Total</b>	<b>1,759*</b>	<b>100%</b>

\*Question eleven featured in just the gov.uk survey.

- 5.19. At each stop and search encounter, the officer must (where practicable) explain to the individual that they are being detained for the purposes of a search, the legal power which is being exercised, and give a clear explanation of the reason for the search i.e. the article or articles for which there is a power to search. Question eleven asked whether this requirement made the use of the powers fairer and more transparent. Almost half (48%) of respondents strongly agreed that it does and overall 71% agreed with the statement whilst 17% disagreed.
- 5.20. Responses varied little by age but they did by both ethnicity and occupation. Black or mixed race respondents were less likely to agree that explanation made the use of the power fairer and more transparent than other ethnic groups. White respondents were most likely to agree as were police officers.
- 5.21. Many respondents submitted further comments in support of their stated view. The most common reason given was that an explanation of the reasons for stop and search increased understanding, co-operation and support from local communities and that it was an important check against misuse. An often expressed view was that it is only fair that those being searched were told the reason why. Concerns were raised around the importance of the explanation actually happening in practice and a number of responses stressed that the reasons given needed to be in plain English and to be comprehensible. A small number of respondents thought that an explanation was a waste of police time or was unnecessary as it would not change the views of those who opposed the use of stop and search powers.

## Campaign groups and organisations

- 5.22. Similar views were expressed by contributors in response to this question and the majority saw this requirement as essential in terms of transparency and, by extension, accountability. There were, however, doubts about whether this requirement was always adhered to in practice. A significant number of individuals that had been stopped and searched claimed that on many occasions no explanation was given by the officers conducting the search.

5.23. Some respondents held that whilst explaining the reasons for the stop and search, the police should be under an obligation to inform the person subject to the procedure of their statutory rights.

## Question 12: Before today, had you heard of the police.uk website?

Table 12: summary of responses to Question 12

Response	Number	Percentage
Yes. I have visited the site	730	42%
Yes, but I haven't visited the site	356	20%
No	651	37%
Don't know	22	1%
<b>Total</b>	<b>1,759*</b>	<b>100%</b>

\*Question twelve featured in just the gov.uk survey.

5.24. The Crime Survey for England and Wales 2011/12 found that 32% of respondents had heard of crime maps and 11% had used them in the past year. Overall 62% of respondents to the stop and search consultation had heard of the police.uk website and 42% had visited the site so this indicated a higher than average degree of awareness.

5.25. Awareness of the police.uk website amongst respondents varied with age with older people increasingly less likely to have visited the site compared with younger ones. The notable exception to this trend was amongst those aged under 18 where only a very small fraction had visited the site and the majority had not heard of it.

5.26. Responses to question twelve varied a little with ethnicity. White and other ethnic groups were most likely to have heard of police.uk and black and Asian groups were the least likely to. Police officers were more likely to have heard of police.uk than any other group though were no more likely to have visited the site.

## Question 13: To what extent do you agree or disagree that police.uk should contain information on stop and search in your local area?

Table 13: summary of responses to Question 13

Response	Number	Percentage
Strongly agree	742	42%
Tend to agree	338	19%
Neither agree nor disagree	322	18%
Tend to disagree	134	8%
Strongly disagree	161	9%
Other	60	3%
<b>Total</b>	<b>1,757*</b>	<b>100%</b>

\*Question thirteen featured in just the gov.uk survey.

- 5.27. Of the 1,757 responses to question thirteen, almost half (42%) strongly agreed that police.uk should contain information on stop and search in their local area. This compares to only 9% who strongly disagreed. However, 18% neither agreed nor disagreed which indicates a degree of ambivalence. Overall, there was a majority (61%) in favour of the proposal.
- 5.28. Responses from those aged under 55 varied little but those aged 55 to 74 were noticeably more supportive of the proposal. There was some difference in responses by ethnicity with Asian and mixed race respondents showing the highest levels of agreement. There was no difference in the level of agreement for other ethnic groups. Police officers were far less likely than members of the public or those working in the criminal justice system to agree that police.uk should contain stop and search data.
- 5.29. The second half of the question asked for an explanation of views. By far the most common response was that the information would provide greater transparency and accountability. Large numbers of respondents also thought that publishing the data would increase public confidence in the police and demonstrate their productivity. A similar number of respondents thought that there was no point in publishing and that to do so would be a waste of time and resources. Concerns were also raised about the accuracy and possible misinterpretation of the data by both those who supported and opposed the proposal. Some of those who responded felt that the data would be of benefit to criminals or have a negative effect on the reputation or house prices in a local area.

## Campaign groups and organisations

- 5.30. Campaign groups were overwhelmingly in support of this proposal, citing transparency and increased accountability as the central benefits. However, some expressed concern about data accuracy and the absence of context. For instance, a police force expressed concern that the accessibility of raw data without any contextual explanation on disproportionate use within a particular group, could leave the public with unwarranted negative perceptions.

### Question 14: To what extent to you agree or disagree that local communities should have direct involvement in deciding how the police use their stop and search powers?

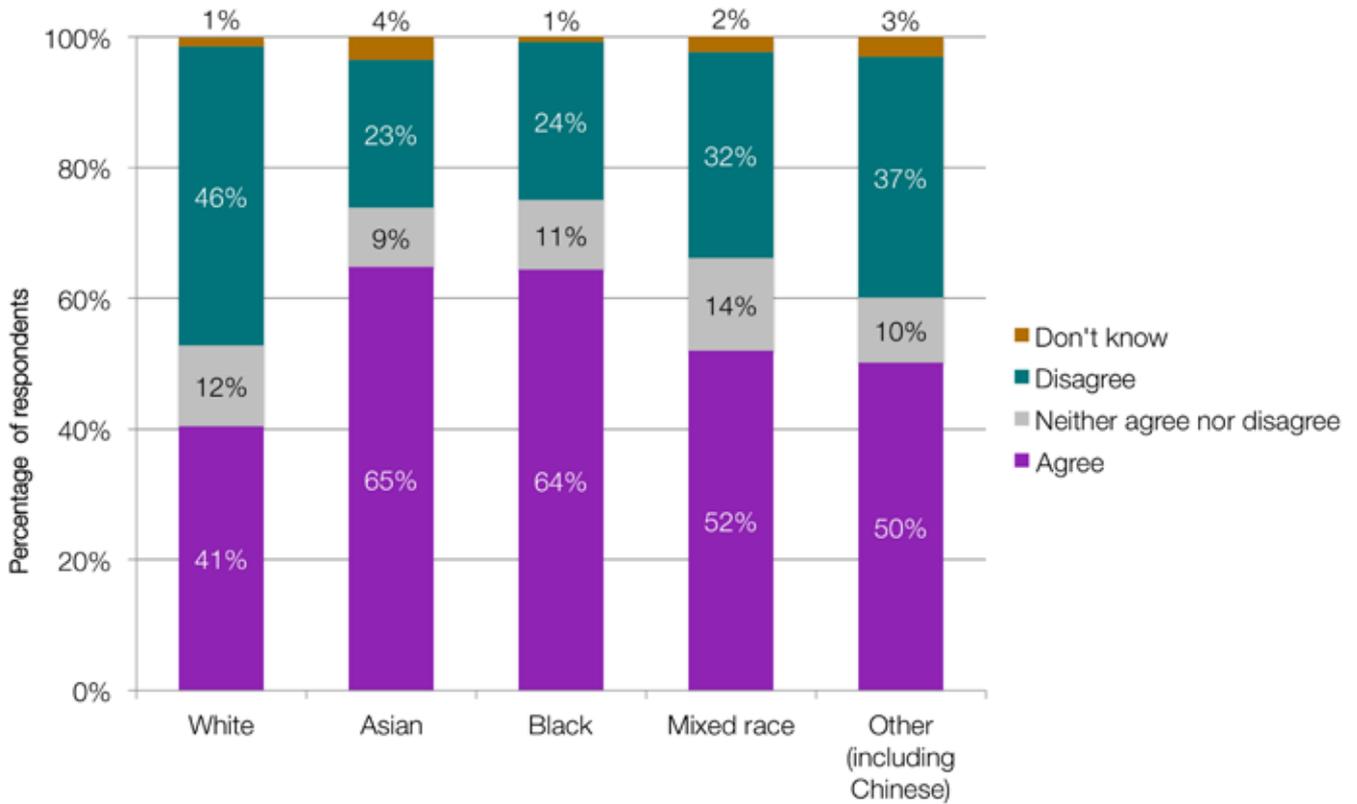
Table 14: summary of responses to Question 14

Response	Number	Percentage
Strongly agree	1,312	27%
Tend to agree	855	17%
Neither agree nor disagree	582	12%
Tend to disagree	864	18%
Strongly disagree	1,215	25%
Other	76	2%
<b>Total</b>	<b>4,904*</b>	<b>100%</b>

\*Question fourteen featured in all three surveys (gov.uk, police.uk and Twitter).

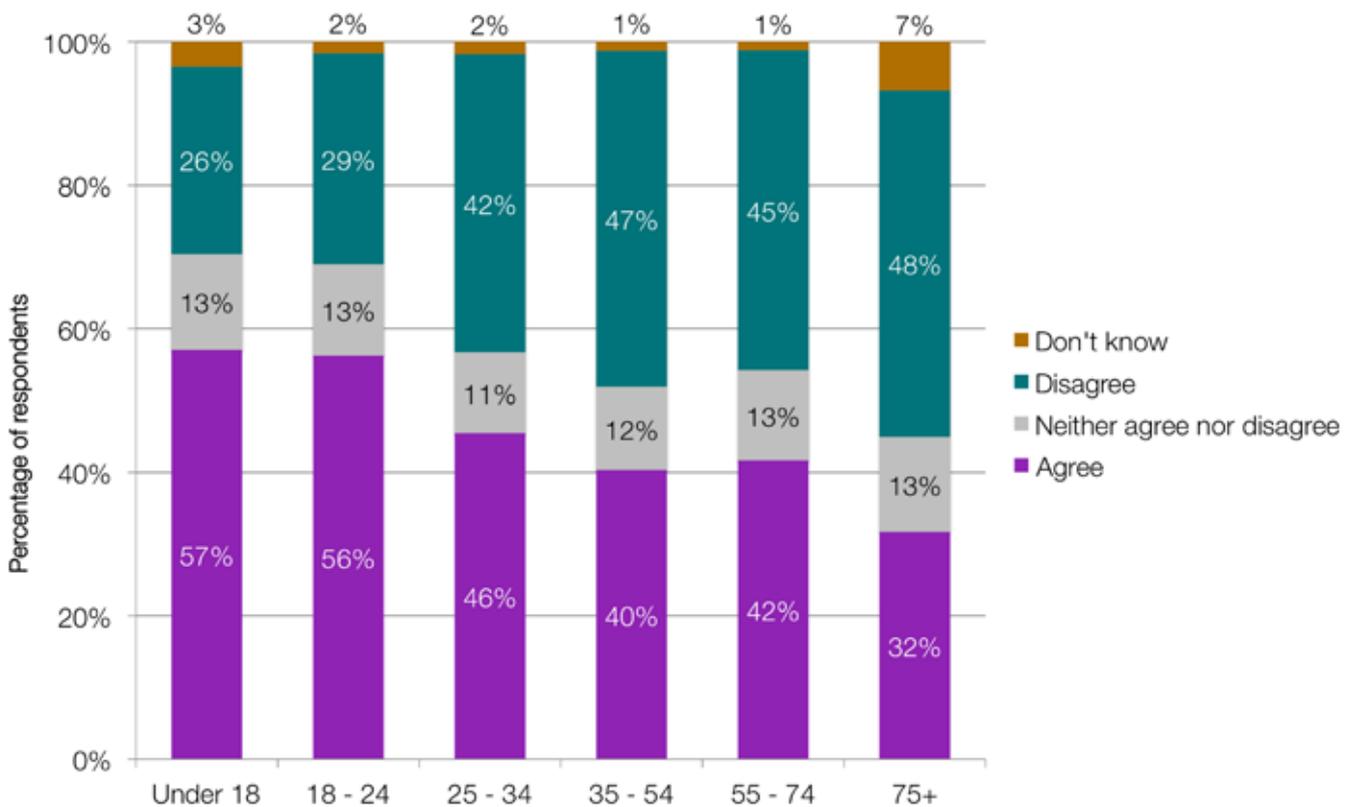
- 5.31. Overall views were divided on whether local communities should be involved in deciding how the police use stop and search powers with 44% agreeing that they should and 42% disagreeing.

Figure 6: summary of responses to Question 14 by ethnicity



5.32. Overall, responses from Asian and black ethnic groups showed the highest levels of agreement that local communities should have involvement in deciding how the police use their stop and search powers (65% and 64% respectively). White respondents were the least likely to agree at 41%.

5.33. Figure 7: summary of responses to Question 14 by age



- 5.34. Responses to question fourteen varied according to age with older respondents being less likely to agree that local communities should have direct involvement. Thirty-two percent of respondents aged over 75 agreed compared to 57% of those aged under 18. Police respondents were approximately half as likely to agree that local communities should have involvement as members of the public.
- 5.35. Common themes in the free text responses were concerns that local involvement would hamper the operation of the police and questions around whether local communities had the appropriate skills and knowledge to contribute effectively. Public opinions were less pronounced in this regard than the responses from police officers.
- 5.36. Many respondents thought that it was right that local communities should be involved and that the police should be publicly accountable to the public they serve. This view was particularly marked amongst non-white respondents especially amongst young non-white respondents, with 30% of them expressing this view. A substantial number of respondents also thought that greater involvement would improve police community relations. Some of those that responded highlighted the need for community involvement to be genuinely representative and a similar number thought that a nationally consistent policy was important in order to avoid confusion and enable comparisons across different police forces.

## Campaign groups and organisations

- 5.37. Most agreed that there should be community involvement in stop and search and many supported the existing PACE Code of Practice A requirements for community scrutiny. The reasons given generally related to accountability. A small number of respondents expressed unease with the concept of direct community involvement.
- 5.38. Police forces generally supported the concept of community involvement but emphasised the operational nature of the powers and a belief that such matters should remain the responsibility of the Chief Constable. A small number of police forces were supportive of more direct community involvement for Section 60 stop and search authorisations.
- 5.39. Youth groups believed that there should be more communication between the police and young people, with one group suggesting quarterly meetings between youth representatives and the police.

### **Question 15: In your view, how might local communities be directly involved in decisions concerning the use of stop and search powers?**

- 5.40. Question fifteen was posed in only the gov.uk survey and 1,352 responses were received that responded directly to the question. Of those the most common view was that local communities should not be involved. This was expressed by the majority of white respondents whereas the majority of non-white respondents felt that there should be closer community involvement. Younger respondents were more in favour of community involvement than older ones.
- 5.41. A large number of respondents thought that local communities should forge closer ties with the police in order to aid understanding and co-operation and many mentioned existing scrutiny boards or independent advisory groups as a means of doing this. Some of those who responded thought that local communities could play a part in monitoring the effectiveness of stop and search and in providing information and intelligence to the police on their local area. A small number of those who responded suggested that involvement

could be through an elected body such as a local councillor or Police and Crime Commissioner or through the use of social media.

## Campaign groups and organisations

5.42. Campaign groups believed that community involvement was important but many questioned what was meant by the term and to what extent the operational independence of the Chief Constable should be circumscribed by the community. Many respondents supported the concept of community scrutiny at local levels – emphasising the importance of local stop and search scrutiny groups (as required by PACE Code of Practice A). There were concerns, however, about how representative the members of these groups were of the community. Respondents held that there needed to be a greater effort made to ensure that all sections of society – particularly those most often subject to the powers – were able to hold the police to account through local scrutiny.

5.43. A number of responses referenced HMIC's finding from their thematic report that fewer than half of police forces were complying with the PACE Code of Practice A requirement that the community be involved in the scrutiny of stop and search usage. The code states:

'In order to promote public confidence in the use of the powers, police forces in consultation with police authorities, must make arrangements for the records to be scrutinised by representatives of the community, and to explain the use of the powers at a local level.'<sup>8</sup>

5.44. A large number of respondents stated that action was needed to ensure that police forces were putting in place local scrutiny arrangements.

## Government response

5.45. Central to trust in the police is the knowledge and perception that they are objective, fair and act with integrity.

5.46. The fair use of stop and search powers cuts across all themes of the consultation. Policing is more effective when it is conducted in a targeted way and with the support of all communities. The freedoms of individuals are balanced against the need for public protection when the powers are used only where necessary and, at the same time, police resources are saved.

5.47. Key to fairness in the use of stop and search is the professional use of the powers. Officers must understand the reasons for their use and the instances when they are not appropriate. Accountability is also important. The public need to know that whilst the police are law enforcement officers they are not above the law. The public must be able hold the police to account when there are question marks over an individual officer's conduct or the approach taken by a police force more generally.

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8 PACE Code of Practice A. Page 19, paragraph 5.4.  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/117611/pace-code-a-2011.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/117611/pace-code-a-2011.pdf)

5.48. Transparency is essential to proper and effective accountability. Where there is open and easily accessible information about the use of stop and search powers, the public are able to monitor police activity and hold the police to account. This can be achieved in a number of ways, through more information being made available, greater community involvement and better police and public engagement.

5.49. The Government will:

- commission the College of Policing to make it a requirement that police officers should be trained to avoid unconscious bias when making a decision to stop and search;
- as part of the national review of training, develop tuition for sergeants/supervisors on performance management to help them monitor the use of stop and search and identify problems in its use by individual officers;
- remind Chief Constables and Police and Crime Commissioners of the requirement in PACE Code of Practice A for the police to make arrangements for public scrutiny of their use of stop and search. If they do not do so, the Government will bring forward legislation to make this a statutory requirement;
- introduce lay observation of the use of stop and search by members of the local community as part of the **Best Use of Stop and Search Scheme**. Similar to Avon and Somerset Police's 'Ride Along Scheme', this would involve members of the public accompanying police officers on patrol to observe how they use the powers in practice and feeding their experiences in to scrutiny groups and Police and Crime Commissioners. This could be effective, not only as a way of altering the behaviour of officers directly, but as a means of informing force policy and training on stop and search;
- introduce a **Best Use of Stop and Search Scheme** 'community trigger' under which a certain volume of complaints would introduce the need for the police force to explain to the Police and Crime Commissioner (and scrutiny groups) how the powers are being used;
- revise the PACE Code of Practice A to make clear what constitutes 'reasonable grounds for suspicion' – the legal basis upon which police officers carry out the vast majority of stops. The revised code will also emphasise that where officers are not using their powers properly they will be subject to formal performance or disciplinary proceedings;
- map the use of stop and search on police.uk and make available raw data on each of the police forces stop and search activity. The raw data, also available on police.uk, could be used in monitoring apps, such as the Stop & Search UK app which provides users with a summary of the law and enables them to record their views on the way the powers were used. This will increase accountability and transparency and enable the general public to monitor the use of the powers.

**Question 16: Are there any other views or comments that you would like to add in relation to stop and search powers that were not covered by the other questions in this consultation?**

5.50. There were a wide variety of views and comments submitted in response to this question, many of which reiterated responses to previous questions. A small number questioned why the consultation did not include vehicle stops under the Road Traffic Act 1988 and which are often associated with similar issues to stop and search powers.

## Government response

5.51. Some campaign groups raised concerns about inappropriate use of strip search, including in relation to juveniles. They suggested that the current level of knowledge about the use of strip search was limited by the availability of police data, particularly in relation to searches which take place at locations other than at a police station

5.52 Whilst the consultation was clear about the powers under review, we believe that it is right to review other, similar police powers where issues of effectiveness and fairness apply.

5.53. The Government will:

- commission HMIC to review other stop powers, such as Section 163 of the Road Traffic Act 1988 – both the powers and their use. This should be under the same terms as the stop and search thematic inspection. If there is evidence of ineffective and unfair use we will develop options to address this. The review will report in one year from the date of the publication of the Government's response to this consultation;
- as part of this, and alongside the work we have already asked HMIC to undertake in relation to the use of strip search for juveniles, we will also ask HMIC to review the use of search powers involving the removal of more than a person's outer clothing - including strip searches - more widely and to identify whether the use of these powers is lawful, necessary and appropriate; and
- include the use of stop and search in the new annual HMIC review of force performance. HMIC are developing new assessments for the public on the performance of forces across a number of categories – stop and search will be one of these. We will explore the role that the College of Policing could have, for instance, in ensuring that recommendations are responded to. The College's Independent Advisory Group on diversity could also play a role.

# Annex A: the consultation analysis methodology

1. The questions stated throughout this document were the questions as worded in the sixteen page full consultation listed on [gov.uk](https://www.gov.uk). The five simplified questions posed in the Twitter and police.uk surveys were as follows:
  - Do you agree or disagree that police stop and search is an effective way of preventing or detecting crime?
  - Do you agree or disagree that the number of arrests made following a police stop and search is a useful way to see how effective they are?
  - Do you agree or disagree that a police officer should have to record the following details so that checks can be made as to whether the powers are being used properly: the name of person being searched; the time and place; race and ethnicity; and the reason why the police carried out that search?
  - Do you agree or disagree with the following? 'I believe that the police use stop and search powers fairly to prevent and detect crime and anti-social behaviour.'
  - Do you agree or disagree that local communities should be involved in deciding how the police use stop and search?

The survey on police.uk also asked: Is there anything else you'd like to say as part of this consultation?

2. Consultation responses were analysed and written up by Home Office officials. Whilst it was clear that respondents using the various online consultation surveys or pro-forma were replying to the consultation, a view also had to be taken on what other correspondence constituted a formal response. It was decided not to include incomplete online survey responses (of which there were 453) on the grounds that the respondent had not formally submitted the data. It was decided to consider all letters or emails received during the consultation and include them so long as they mentioned the consultation, or one of the policies within it, and gave a view.
3. Data from responses to the quantitative (closed) questions in the consultation (i.e. those that invited 'strongly agree', 'tend to agree', 'don't know' etc type responses) were extracted and analysed. All qualitative responses (i.e. those responses to open questions or where a respondent had submitted a paper, letter or email rather than answering specific questions) were also logged and analysed. This was done by coding the responses to identify frequently occurring themes. Where respondents commented on a different aspect of the policy to that which they were being asked about, this too was recorded. Findings have been reported in this document.
4. A number of detailed consultation responses were received that did not adhere to the formal structure and questions posed. These included in-depth studies, reports and dissertations covering areas such as evidence, data and effectiveness. These were also coded and fed into the Government's response.

## Social media analysis

5. Social media was used as a channel to promote the consultation as well as an engagement tool. Over the consultation period, 976 tweets were posted on Twitter using the hashtag #stopandsearch (which the Home Office used in its tweets). These were recorded and analysed to understand:

- whether people thought stop and search powers are used effectively
- whether people felt stop and search powers are used fairly by the police

Tweets that referred to stop and search but that didn't include the hashtag #stopandsearch were not included. Overall, 976 tweets were analysed and of those, 433 included comments on effectiveness and fairness.

# Annex B: additional consultation analysis – demographic information

Table B(i): Summary of responses by age

Age	No. of respondents	Percentage
Under 18	120	3%
18-24	611	13%
25-34	1,199	25%
35-54	1,969	41%
55-74	871	18%
75+	62	1%
<b>Total (excluding missing)</b>	<b>4,832</b>	<b>100%</b>
Data missing	239	
<b>Total</b>	<b>5,071</b>	

1. The largest group of respondents were those aged between 35 and 54. Responses from those aged between 18 and 24, 25 and 34 and 35 and 54 were submitted in greater numbers than their proportion of the wider population i.e. responses were disproportionately submitted from these groups.

Table B(ii): Summary of responses by ethnicity and medium

gov.uk survey	Total	%	police.uk survey	Total	%	Twitter survey	Total	%	Other responses	Total	%
White British	1,184	69.1%	White British	810	82.8%	White British	1,446	66.0%	White British	19	10.1%
White Irish	32	1.9%	White (other)	75	7.7%	White (other)	174	7.9%	White (other)	1	0.5%
White (other)	87	5.1%	Mixed White / Asian	7	0.7%	Mixed White / Asian	21	1.0%	Mixed White / Asian	0	
Mixed White / Black African	15	0.9%	Other			Mixed White / Black African	14	0.6%	Mixed White / Black African	0	
Mixed White / Black Caribbean	3	0.2%	Mixed White / Black Caribbean	2	0.2%	Mixed White / Black Caribbean	28	1.3%	Mixed White / Black Caribbean	0	
Any other mixed background	14	0.8%	Other			Other			Other		
Indian	24	1.4%	Asian	34	3.5%	Asian	144	6.6%	Asian	2	1.1%
Pakistani	13	0.8%									
Bangladeshi	3	0.2%									
Other Asian	11	0.6%									
Black Caribbean	60	3.5%	Black Caribbean	11	1.1%	Black Caribbean	75	3.4%	Black Caribbean	1	0.5%
Black African	34	2.0%	Black African	5	0.5%	Black African	76	3.5%	Black African	3	1.6%
Black (other)	19	1.1%	Other	20	2.0%	Other	132	6.0%	Other	0	
Chinese	5	0.3%	Not recorded	14	1.4%	Not recorded	81	3.7%	Not recorded	162	86.2%
Other	109	6.4%	<b>Total</b>	<b>978</b>	<b>100%</b>	<b>Total</b>	<b>2,191</b>	<b>100%</b>	<b>Total</b>	<b>188</b>	<b>100%</b>
Not recorded	77	4.5%									
<b>Total</b>	<b>1,714</b>	<b>100%</b>									

2. Only the **gov.uk** survey collected ethnicity data at a level of detail comparable with that from the National Census. Of the 1,637 respondents who reported their ethnicity the vast majority (69%) were White British. This is lower than the prevalence of White British in the overall population of England and Wales which is 80%<sup>9</sup>. The responses from the following ethnic groups were in a greater proportion than their prevalence in the general population: White Irish, White (other), Mixed White/Asian, Any other mixed background, Black Caribbean, Black African and Black (other).

Table B(iii): Summary of responses by region

Region	No. of respondents	Percentage
North East England	47	3%
North West England	86	5%
South East England	447	25%
Yorkshire and the Humber	65	4%
West Midlands	90	5%
East Midlands	117	7%
East of England	92	5%
South West England	230	13%
London	528	30%
Wales	41	2%
Scotland	26	2%
Northern Ireland	8	1%
<b>Total (excluding missing)</b>	<b>1,777</b>	<b>100%</b>
Data missing	3,294	
<b>Total</b>	<b>5,071</b>	

3. Of those respondents who provided their region, London and South East England comprised the majority (55%). South West England was the only other region represented by over 10% of those that responded. Scotland, Wales and Northern Ireland cumulatively comprised 5% of responses.

Table B(iv) Summary of responses by gender

Gender	No. of respondents	Percentage
Male	3,242	72%
Female	1,272	28%
<b>Total (excluding missing)</b>	<b>4,514</b>	<b>100%</b>
Data missing	557	
<b>Total</b>	<b>5,071</b>	

9 These figures are from the Office of National Statistics 2011 census dataset which can be found at <http://www.nomisweb.co.uk/census/2011/QS201EW/view/2092957703?cols=measures>

4. Of the 4,514 respondents who reported their gender nearly three-quarters were male and just over one quarter female.

Table B(v): Summary of responses by organisation (for **gov.uk** responses only)

Organisation	No. of respondents	Percentage
Member of the public	638	37%
Police force	484	28%
Police and Crime Commissioner Office	13	-
Local Authority	58	3%
Registered Social Landlord	3	-
Voluntary Community Service	74	4%
Probation	2	-
Non policing area of the Criminal Justice System Government department	6	-
Local government/local council	20	1%
Non departmental public body	14	1%
Neighbourhood Watch	40	2%
Community Safety Partnership	16	1%
Other	346	20%
<b>Total</b>	<b>1,714</b>	<b>100%</b>

5. The **gov.uk** survey provided the list of organisations in Table B(v) and asked respondents to choose the one that best described the type of organisation they work for. Members of the public comprised 37% of responses whilst 28% worked for a police force.

# Annex C: list of organisations that responded to the consultation

1. This annex lists those organisations which responded to the consultation. It has not always been possible to identify a respondent in the case of online responses, nor to distinguish between responses sent on behalf of an individual or an organisation. In some cases, it has also not been possible to clarify the name of an organisation, in which case we have used that which the respondent reported.

## Online Responses

Irish Chaplaincy in Britain Traveller Equality Project  
1212 Consulting Limited  
Action for Prisoners' Families  
Applewoods Hydroponica  
Asda  
Asian Day Centre  
Association of Youth Offending Managers (AYM)  
Avon and Somerset Police  
Barbara Toni Counselling  
Barrington Court Resident's Association  
Basildon Borough Neighbourhood Watch Steering Group  
Bemrose School  
Bexley Community Policing Engagement Group  
Black Activists Rising Against Cuts UK  
Black and Minority Ethnic Community Partnership  
Black Training and Enterprise Group (BTEG)  
Blackburn Youth Zone  
Border Force  
Brandon Trust  
Brent Stop and Search Monitoring Group  
Brentwood Area Neighbourhood Watch  
Bright House  
Bristol Airport  
Bristol City Council  
British Transport Police  
Cambridgeshire Police  
Camden Stop and Search Monitoring Group  
Camden Youth Independent Advisors  
Cannabis for Autism UK  
Charles Hill Art Risk  
Chelsea College of Art and Design  
Cheshire Police  
Christchurch and East Dorset Councils  
Church of England  
Civil Service  
CMI Ltd

Colefax Place Management Company Ltd  
College of Policing Independent Advisory Panel  
Connexion Developments Ltd  
Cudham Residents Association  
Cumbria Police  
Department of Energy and Climate Change  
Derbyshire and Nottinghamshire Chamber of Commerce  
Derbyshire Police  
Diocese of Leicester  
Durham Police  
East Midlands Strategic Commercial Unit  
East Yardley Neighbourhood Forum  
Enfield LGBT Network  
Enfield Racial Equality Council  
Essex Police  
Ethnic Minority Liberal Democrats  
Federation of Small Businesses  
Filton Safer Stronger Group  
Ford Residents Association  
GfK National Opinion Polls  
Gloucestershire Police  
Greater Manchester police  
Greenwich Inclusion Project  
H : architects + development consultants  
Hackney Stop and Search Community Monitoring Group  
Hampshire Police  
Haringey Independent Stop and Search Monitoring Group  
Hertfordshire Police  
Home Office  
Home Watch  
Hounslow Youth Offending Service  
HPS Protect Ltd  
Humber Road Estate Community Initiative  
Ileto Caribbean People's Network  
Imperial College  
Innate  
Ipswich Stop and Search Reference Group  
Irish Traveller Movement in Britain  
JAN Trust  
Jet Blak Ink  
Jorjun Technical Services Ltd  
Just for Kids Law  
Kent and Essex Serious Crime Directorate  
Kent Police  
Kent Police Federation  
Kings Park CAP  
Leeds West Indian Centre Charitable Trust  
Leicester Lesbian Gay Bisexual and Transgender Centre.  
Leicestershire Police  
LERA  
Lincolnshire Police  
LIT

Livingwell Community Church  
London Borough of Hounslow  
London Borough of Waltham Forest  
Ludomino Partnership  
Manchester Central Youth Panel  
Mayfair Solicitors  
Medway African Caribbean Association  
Mercedes  
Merseyside Independent Advisory Group  
Merseyside Police  
Merseyside Probation  
Merton Council  
Metropolitan Police Service  
Mole Valley District Council  
Moonbright Innovations Ltd  
National Crime Agency  
National Health Service  
Neighbourhood Watch  
Neighbourhood Support Group  
Nokia Siemens Networks  
North Yorkshire Police  
Northamptonshire Police  
Northumbria Police  
Nottinghamshire Police  
NUS Black Students' Campaign  
Operation Black Vote  
Oxford Ironmongery  
People's Freedom Movement  
Police and Crime Commissioner for Cheshire  
Police and Crime Commissioner for Dorset  
Police and Crime Commissioner for Dyfed-Powys  
Police and Crime Commissioner for Gloucestershire  
Police and Crime Commissioner for Northamptonshire  
Police and Crime Commissioner for West Yorkshire  
Police and Crime Commissioner for Thames Valley  
Police Federation of England and Wales  
Police Superintendents Association of England and Wales  
Port of Felixstowe Police Unit  
Portsmouth City Council  
PricewaterhouseCoopers  
Public and Commercial Services Union  
Race on the Agenda  
Rhondda Cynon Taff County Borough Council  
Safer London Foundation  
Sikh Council UK  
Soho Housing  
South Buckinghamshire District Council  
South Hampstead Synagogue  
South Hams District Council  
South Wales Police  
St Matthew Academy  
St Michael's Youth Project

Stoke Park Keepers Neighbourhood Watch  
Stop and Search Legal Project  
Stop Hate UK  
Suffolk Police  
Sugar Media and Marketing  
Sunshine Mushrooms  
Surrey Police  
Sussex Central YMCA  
Sussex Police  
Tabernacle Church Lewisham  
Thales Naval UK Ltd  
Thames Valley Police  
The Charter School  
The Community Together  
The Co-operative  
The Intelligence Project Ltd  
The Police Foundation  
Torfaen County Borough Council  
Truce 2020  
UK Youth Parliament  
Unison  
University and Colleges Union, London Retired Member's Branch  
University of Bedfordshire  
University of Dundee  
University of Leeds  
University of Nottingham  
Waltham Forest Youth Offending Service  
Warwickshire Police  
Warwickshire Police Disabilities Independent Advisory Group  
Waterside Pendle Neighbourhood Watch  
WCDN  
We Love Brixton  
Wells Reclamation Company  
WePack LLP  
West Mercia Police  
West Midlands Police  
West Yorkshire Police  
Worcestershire County Council  
Ylem Ltd

## Written responses

Aladura International Church  
Andrews and Monroe Solicitors  
Avon and Somerset Police  
Bedfordshire Police  
Big Brother Watch  
Big Voice London Supreme Court Youth Group  
Black Training and Enterprise Group (BTEG)  
Born Again Healing Church International  
Brent Stop and Search Monitoring group  
British Alliance of African and African Caribbean People

Buckinghamshire County Council  
City of London Police  
Committee on the Administration of Justice  
Community Safety Social Inclusion Scrutiny Commission  
Council of African and Caribbean Churches UK  
Criminal Justice Alliance  
Crown Lane Primary School  
Devon and Cornwall Police  
Discrimination Law Association  
Dorset Race Equality Council  
DrugsScope  
Dyfed-Powys Police  
Equality and Human Rights Commission  
Family Services UK  
Gloucestershire Police  
Goldcrest Youth Club  
Greater Manchester Police  
Hodge Jones and Allen LLP  
Independent Academic Research Studies  
Independent Police Complaints Commission  
Ipswich and Suffolk Council for Racial Equality  
Just For Kids Law  
Lasting Transformation Ltd  
Leicester Racial Minority VCS Assembly  
Lewisham Community Police  
Liberty  
London Assembly Police and Crime Committee  
London Borough of Camden  
London School of Economics  
Merseyside Police  
Metropolitan Police Service  
National Black Police Association  
Newham Monitoring Project  
Norfolk Constabulary  
Police and Crime Commissioner for Derbyshire  
Police and Crime Commissioner for Durham  
Police and Crime Commissioner for Greater Manchester  
Police and Crime Commissioner for Lancashire  
Police and Crime Commissioner for North Wales  
Police and Crime Commissioner for Northumbria  
Police and Crime Commissioner for South Wales  
Police and Crime Commissioner for South Yorkshire  
Police and Crime Commissioner for Suffolk  
Police and Crime Commissioner for Sussex  
Queensbury Academy  
Redbridge Stop and Search Group  
Release  
Sikh Council UK  
Standing Committee for Youth Justice  
Stop and Search Community Group  
Surrey Police  
Thames Valley Police Stop and Search Independent Advisory Group

The Chartered Institute of Legal Executives  
The Dickson Poon School of Law  
The Ligali Organisation  
The Todd Social and Community Initiative  
Trades Union Congress (TUC)  
Transition to Adulthood Alliance  
Traveller Equality Project  
Victim Support  
West Midlands Office for Policing and Crime  
West Midlands Police  
West Yorkshire Police  
Wiltshire Police  
Youth Justice Board

# Annex D: communication activities

1. To increase participation in the consultation process with as wide a cross section of people and organisations as possible, an extensive promotional programme was run throughout the consultation period. We were particularly keen to reach young people and BME communities who had been disproportionately affected by the use of stop and search powers.
2. The summary below captures some of the communications activity the Home Office undertook to promote the consultation and encourage participation.

## Print and broadcast media

3. When it was launched the consultation attracted coverage in mainstream media such as BBC News online but was also covered by a number of press and media titles such as The Voice newspaper (circulation of 30,000), Eastern Eye (circulation 20,800) and Daily Asia (circulation 20,000).
4. During the consultation period, The Metro, with a circulation of 1.3 million, featured a two page spread about stop and search which referenced the consultation. BBC Breakfast news also ran a stop and search item referencing the consultation to their estimated 1.5 million viewers.
5. With an audience of young people in mind, the Home Office secured coverage on BBC Radio 1 and Radio 1Extra. A journalist joined Thames Valley Police on patrol and interviewed officers who talked about how they used stop and search. The piece (which ran twice) referenced the consultation and featured young people who had been stopped and searched in the past.
6. Just before the consultation closed, the Minister for Policing, Criminal Justice and Victims, Damian Green, was interviewed about the review of stop and search powers on Daybreak (with an estimated audience of 800,000) and LBC London radio.

## Partner engagement

7. To bring the consultation to the attention of a range of groups and organisations the Home Office undertook targeted activity to reach organisations representing BME communities and young people. Shortly after the launch of the consultation the Home Secretary wrote to:-
  - Faith Associates (Muslim organisations)
  - Minority Ethnic Christian Affairs
  - The Council of African and Caribbean Churches
  - The Hindu Forum of Britain
  - The National Council of Hindu Temples
  - The Sikh Council UK
  - The Network of Sikh Organisations (UK)
  - The Board of Deputies of British Jews
  - The Association of Colleges

8. Officials also contacted over 30 voluntary and community sector organisations including Clinks, Nacro, The National Council for Voluntary Youth Services, The Prince's Trust and the Philip Lawrence Awards Network.
9. Part way through the consultation period, it became apparent that further promotion targeting young people was needed to proactively gather their views. The Home Office were approached by the Black Training Enterprise Group (BTEG), who, supported by Home Office, ran 12 consultation events with young people from BME communities throughout England and Wales.

## Social media

10. Social media was used as a broadcast channel by sending tweets publicising the launch of the consultation, announcing its extension and that it was due to close. It was also used as an engagement tool, for instance, in partnership with BBC Three's 'Freespeech' - a 'Question Time' type programme for young people. The Minister for Policing, Criminal Justice and Victims, Damian Green, appeared on the panel during the studio debate on stop and search. At the same time, BBC Freespeech engaged their 16,505 Twitter followers and 10,039 Facebook 'likes' with an online debate that posed key questions from the consultation and signposted the online survey.
11. The Home Office sent tweets to approximately 100,000 followers. The following organisations also tweeted the consultation to their followers:
  - National Council for Voluntary Youth Services (7,100)
  - Runnymede Trust (5,300)
  - Institute on Race Relations (1000)
  - The Voice newspaper (12,000)
  - Centre for Crime and Justice (5,900)
  - Operation Black Vote (2,900)
  - Association of Chief Police Officers (13,000)
  - The Times newspaper (126,000)

