Home Office

HOME SECRETARY
2 Marsham Street, London SW1P 4DF
www.homeoffice.gov.uk

Dear Chief Constable,

30 APR 2014

STOP AND SEARCH

I am writing to you about my announcement today on the use of stop and search.

While stop and search is undoubtedly an important police power, when it is misused it can be counter-productive. First, it can be an enormous waste of police time. Second, when innocent people are stopped and searched for no good reason, it is hugely damaging to the relationship between the police and the public.

That is why I commissioned Her Majesty's Inspectorate of Constabulary to inspect every force in England and Wales to see how stop and search powers are used. And it is why I launched a consultation to make sure members of the public – particularly young people and people from minority ethnic communities – could have their say.

In publishing the Government's response to that consultation, I am announcing today a package of measures designed to respond both to the consultation and HMIC's report.

Before I set out the full package, I would like to address two points in particular. First, I am concerned that HMIC's inspection found that fewer than half of police forces in England and Wales complied with the Police and Criminal Evidence Act 1984 (PACE) Code of Practice A, which requires each force to ensure that there are arrangements in place for their stop and search records to be scrutinised by the communities they serve. This is unacceptable.

This is an important duty that should empower local communities to hold police forces to account, and so my message is clear – you must adhere to the code. If you do not do so, the Government will bring forward legislation to make this a statutory requirement.

Second, I am aware of suggestions that some forces have set officers targets related to stop and search. This is entirely unacceptable, so I would be grateful if you could make sure that nobody in your force is setting any such targets.

Today's package of measures

The measures I am announcing today are as follows.

First, this summer the Home Office and the College of Policing will launch a new 'Best Use of Stop and Search' scheme. This scheme already has the backing of the Metropolitan Police – the biggest user of stop and search in the country – and I invite all forces to sign up.

Forces participating in the scheme will record the outcome of stops 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 us to assess how well forces are interpreting the "reasonable grounds for suspicion" they are supposed to have to use their stop and search powers in accordance with law. The scheme will also require forces to record a broader range of outcomes, such as penalty notices for disorder and cautions. This will allow us to understand better how successful each stop and search really is.

In order to improve the public's understanding of the police, forces participating in the scheme will introduce lay observation policies, which enable members of the local community to apply to accompany police officers on patrol.

The scheme will also require forces to introduce a stop and search complaints "community trigger" whereby the police must explain to the public how stop and search powers are being used where there is a large volume of complaints.

Forces participating in the scheme will make clear that they will respect the case law established in 'Roberts' by using no-suspicion stop and search when it is "necessary to prevent incidents involving serious violence" rather than just "expedient" to do so. They will raise the level of authorisation to a chief officer and that officer must reasonably believe that violence "will" take place rather than "may", as things stand now. This will bring no-suspicion stop and search more into line with the stop and search powers under Section 47A of the Terrorism Act 2000, and I hope it will reduce the number of no-suspicion stops significantly.

The scheme will also require forces to limit the application of no-suspicion stop and search to fifteen hours. It will also require them to communicate with local communities in advance and afterwards, so residents can be kept informed of the purpose and success of the operation.

I invite all forces to join the scheme.

In addition, I have commissioned the College of Policing to review the national training of stop and search with a view to developing robust professional standards for officers on probation, existing officers, supervisors and police leaders. I have asked the College to include in this work unconscious bias awareness training to reduce the possibility of prejudice informing officers' decisions.

As part of that review, I have also asked the College to introduce an assessment of officers' fitness to use stop and search powers. I want this to send the clearest possible message – if officers do not pass this assessment, if they do not understand the law or they do not show they know how to use stop and search powers appropriately, they will not be allowed to use them.

HMIC's inspection reported that 27 per cent of the stop and search records they examined did not contain reasonable grounds to search people, even though many of these records had been endorsed by supervising officers. In response, I intend to revise PACE Code A to make clear what constitutes reasonable grounds. The revised code will emphasise that where officers are not using their powers properly they will be subject to formal performance or disciplinary proceedings.

In addition to these changes, in order to improve transparency and accountability, we will add stop and search data to the Government's hugely successful and popular crime maps at www.police.uk. I have also asked Her Majesty's Chief Inspector of Constabulary to include the use of stop and search in HMIC's new annual general inspections which begin towards the end of this year. And I have commissioned HMIC to review all other police powers similar to stop and search – including Section 163 of the Road Traffic Act – with a view to eliminating any unfair or inappropriate use of those powers.

These proposals amount to a comprehensive package of reform. I believe that they should contribute to a significant reduction in the overall use of stop and search, better and more intelligence-led stop and search and improved stop-to-arrest ratios. However, if the numbers do not come down, if stop and search does not become more targeted, if stop-to-arrest ratios do not improve considerably, the Government will return with primary legislation to make these things happen.

When stop and search is misapplied it is a waste of police time. It is unfair, especially to young, black men. It is bad for public confidence in the police. That is why these are the right reforms, and it is why I hope you will join the scheme I am announcing today.

I am copying this letter to your Police and Crime Commissioner.

The Rt Hon Theresa May MP