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Stopping and Searching for Reform: The Home Secretary's latest initiative may finally lead to a radical overhaul

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*HMIC has just published a review that is strongly critical of 'stop and search', the controversial police power that has been known to disproportionately target minorities, to be inefficient, and to damage trust in the police. **Tim Newburn** welcomes the review and asks whether Theresa May's latest initiative will lead to the radical reform so many have been seeking for so long.*

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Of all police powers, the ability to stop and search citizens is one of the most controversial. Yet, despite all the controversy stop and search has generated it has generally been staunchly defended not only by the police service but by politicians of all stripes – to the point that it has become something of [a sacred cow](#) – immune from reform. It is notable therefore that the Home Secretary has recently announced a potentially radical overhaul of stop and search police powers.

I have [remarked before](#) on the fact that we live in unusual times where the politics of crime and justice is concerned. From the early 1990s until relatively recently our two main political parties were engaged in a bidding war to see who could appear 'toughest' on crime – the assumption being that any sniff of being 'soft on crime' was tantamount to electoral suicide. On policing, tough on crime also meant that both Conservative and Labour Home Secretaries worked tirelessly to be seen to be the "copper's friend". No-one wanted to risk alienating the police service, and the consequence was that resources devoted to policing grew year on year, police numbers grew markedly, and most senior politicians shied away from public criticism of the police for any failings that were revealed.

In the last two years, however, the landscape has changed, and changed in a direction that few (including me) predicted. Initially at least the Coalition – in the form of its first Justice Secretary, Ken Clarke – sought to distance itself from the blunt tough on crime, 'prison works' assumptions espoused by Michael Howard (and by his Labour successors). If, somewhat predictably, Clarke's announcement of a 'rehabilitation revolution' wasn't entirely popular with his own party, more surprising perhaps was the fact that his sternest critic turned out to be erstwhile Labour Home Secretary, Jack Straw. Writing [in the Daily Mail](#) Straw criticised Clarke for seeking to turn back the clock and having 'learnt nothing about fighting crime in the time since he was in charge of prisons' in the early 1990s. Straw praised David Cameron's pre-election criticism of the Liberal Democrat's crime policy proposals, and concluded that the greatest danger now would be to reverse the massively increased use of imprisonment that had occurred over the previous decade and a half.



Theresa May
(Credit: UK Home Office)

It is perhaps in the area of policing, however, that current politics have altered most significantly. Shortly after the 2010 election the Home Secretary, Theresa May, announced a number of significant changes. First, the police were to be freed from 'excessive red tape' and central control with the vast majority of government targets for policing being removed. Second, the system for governing policing was to undergo its most radical overhaul for half a century with the disbanding of local police authorities and their replacement by [locally-elected Police and Crime Commissioners](#). More generally, the Home Secretary has

shown herself to be made of stern stuff when it comes to confronting the police service, not least in defending the very significant cuts to police budgets and the changes to police pay and occupational pensions as a result of the [Winsor Review](#). Raising concerns about the use of stop and search is merely the latest example of the Home Secretary's fearlessness where policing is concerned.

Controversy over stop and search dates back to at least the 1970s, where what were then known as the 'sus' (relating to *suspicious persons*) laws – themselves deriving from the Vagrancy Act of the 1820s – were the subject of fierce criticism, particularly in relation to alleged targeting of black people by the police. However, there was little formal scrutiny of such practices and it was only in 1983 that a [Home Office study](#) finally confirmed that 'young black males are significantly more likely to be stopped than their white counterparts'. The following year the Police and Criminal Evidence Act (PACE) standardised police powers to stop and search and sought to govern its use by requiring officers to have 'reasonable grounds for suspicion' that a person has stolen or prohibited articles (a weapon, drugs, stolen goods etc) in order to conduct the search. PACE also introduced a limited requirement to record when a search had taken place and to make this report available to the suspect if requested. The period since the introduction of PACE has seen a series of further changes, including increased reporting requirements and also, via the controversial s.60 of the Criminal Justice and Public Order Act 1994, the introduction of a power to stop and search within designated areas for a limited time whether officers have *reasonable suspicion* or not.

Nevertheless, if anything, stop and search has become more controversial rather than less. Government data and many research studies have continued to document the very considerable ethnic disproportionality in the use of stop and search: currently showing that young black males are approximately seven times more likely to be stopped and searched than young white males under the PACE provisions, and up to 25 times more likely under s.60. In 1999, the report of the [Stephen Lawrence Inquiry](#) was especially critical of the police use of stop and search, highlighting its disproportionate use as a key indicator of the existence of 'institutional racism' within the police service. As a result of the inquiry, and subsequent Home Office research, the PACE Codes of Practice were revised to increase both the reporting requirements attaching to stop and search and the oversight of these policing practices by bodies like Her Majesty's Inspectorate of Constabulary (HMIC).

Whilst the then Labour government deserves great credit for establishing the Stephen Lawrence Inquiry, their general record on stop and search is perhaps less impressive. Notwithstanding the post-Lawrence Inquiry reforms, there is little evidence that disproportionality in stop and search was reduced in the following decade. In addition, the standard police defence of the power – that it is vital in the fight against crime – has also been somewhat undermined by [the finding](#) that only a relatively small proportion of stops result in subsequent arrest of an offender (somewhere between 9-14% of all stops), and that this too seems to have been unaffected by the post-Lawrence reforms.

The most recent set of events to focus attention on stop and search once again was the English riots of 2011. In the immediate aftermath of the disorder the *Guardian*/LSE [Reading the Riots research](#) found that young people's anger toward the police was a significant factor in the disturbances. Above all we found that it was stop-and-search that was the focus of the frustrations that many of these young people expressed. These findings received considerable media attention and, speaking at a conference at the LSE a week after the publication of *Reading the Riots*, the Home Secretary [announced a review](#) of stop and search. Part of this review, conducted by HMIC, [has just been published](#), and it concludes that although stop and search is among the most intrusive and contentious things the police can do, 'the majority of forces do not understand how to use these powers effectively and fairly to prevent and detect crime'.

The Home Secretary's statement in the House of Commons was similarly robust. The concerns about stop and search are essentially threefold. First, there is the long-standing concern about disproportionality, once again illustrated by the HMIC report. The second is the issue of efficiency. The proportion of searches that

lead to arrests currently hovers at around nine per cent and this figure, [as the Home Secretary put it](#), is 'far too low for comfort'. Third, though the Home Secretary focused less on this, is the issue of fairness. A growing body of research, much by LSE's [Jonathan Jackson and colleagues](#), has highlighted the importance of 'procedural justice' to institutional legitimacy. In essence, this research shows that trust in the police is reduced when their powers are perceived as being used in an unfair and/or disrespectful manner. This lack of trust itself reduces the extent to which the police are perceived as legitimate and, in turn, this fractures police-public relations and reduces public willingness to comply with the police. Young people's testimony to *Reading the Riots* illustrated the fact that it was precisely the consequences of such fractured relationships that could be seen in August 2011 on the streets of London, Birmingham, Manchester and beyond.


Will Theresa May's latest initiative lead to the radical reform so many have been seeking for so long? Only time will tell, but the long history of campaigning around stop and search – involving community groups, NGOs and many others – suggests that caution should be the watchword. Nevertheless, this is an interesting moment and one that is to be welcomed. Moreover, and confirming that we live in unusual times, despite the fact that the vast majority of campaigners in this field would no doubt identify themselves as being left of centre on the political spectrum, we should note that after six Labour incumbents it is a Conservative Home Secretary who has taken this latest, potentially bold step on the road to reform.

Note: This article gives the views of the author, and not the position of the British Politics and Policy blog, nor of the London School of Economics. Please read our [comments policy](#) before posting.

About the Author

Tim Newburn is Professor of Criminology and Social Policy and Head of the Social Policy Department, London School of Economics. He is the author or editor of over 30 books, including: [Handbook of Policing](#) (Willan, 2008); [Policy Transfer and Criminal Justice](#) (with Jones, Open University Press, 2007); and, [Criminology](#) (Willan, 2008). He is currently writing an official history of post-war criminal justice, and was the LSE's lead on its joint project with Guardian: *Reading the Riots*. He tweets at [@TimNewburn](#).

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One Response to *Stopping and Searching for Reform: The Home Secretary's latest initiative may finally lead to a radical overhaul*



Phil Edwards says:

July 10, 2013 at 12:31 am

Interesting post. Picking up on the last point – on the oddity of seeing police reform coming from the Tories and being resisted by Labour – I think it's down to a combination of two, or two and a half, factors. One is the extraordinary – and still under-rated – capture of Labour criminal justice policy, as early as the mid-90s, by the US Right (JQ Wilson, George Kelling, Bill Bratton, old uncle Charles Murray and all). On these issues it really isn't our fathers' Labour Party, and hasn't been for some time.

The second is the emergence of the police as an independent power in the land, symbolised by the increasingly autonomous agenda-setting role being played by ACPO. PCCs are an ideal counterweight to ACPO, pulling local forces in multiple different directions, and underpinned both by their democratic mandate and by the support of the government which brought them into being. In theory this is the kind of move either of the main parties could have pulled; while the Tories are a bit quicker than Labour to act to shut down unwanted contenders, most governments of whatever colour prefer not to allow anyone else's power base to get too mighty. But even if Labour did want to trim ACPO's wings, the party simply has too much history of attacking the police from the Left – in what the leadership now see as the wilderness years of the 80s – to dare to take them on now. Only Nixon could go to China, not least because Nixon would have personally ended the career of any Democrat who went; perhaps, in the same way, only the Tories can reform the police.

The half a reason, lastly, is a sort of hybrid of the first two. The New Labour period was long enough for a new kind of police management culture to grow up, and I don't think people like Theresa May like or understand it. The informal quid pro quo for Labour's adoption of a police vision of society was the police's gradual absorption of Labour's values, particularly in the areas of equality and diversity. I'm willing to bet that the police establishment currently under attack is seen within government as a Labour-friendly establishment – look at the ousting of Ian Blair.

I hope this comment doesn't stay in mod limbo too long – I think it's come out rather well & would like to tweet a link to it!

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