

# **Stop and Search Powers 2: Are the police using them effectively and fairly**

An inspection of Greater Manchester Police

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## Introduction

In 2013, HMIC published its report, *Stop and Search Powers: Are the police using them effectively and fairly?* The report concluded that stop and search powers were rarely targeted at priority crimes in particular areas and there was very little understanding in forces about how the powers should be used most effectively and fairly to cut crime.

HMIC made ten recommendations in the 2013 report, and made a commitment to assess the progress made by forces and the College of Policing in carrying out the recommended action 18 months later.

Additionally, in 2014, the Home Secretary commissioned HMIC to:

- review other powers that the police can use to stop people, such as section 163 of the Road Traffic Act 1988, in order to establish that they are being used effectively and fairly;
- provide analysis of how forces in England and Wales compare with overseas jurisdictions, both in terms of the powers available and the way they are used; and
- examine the use of 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.

In 2015, as part of the review of progress from 2013 and the reviews set by the Home Secretary, all forces were required to carry out a self-assessment and, to supplement that, HMIC carried out in-depth fieldwork in nine forces. Greater Manchester Police was one of those forces. The national report *Stop and Search Powers 2: Are the police using them effectively and fairly?*<sup>1</sup> was published on 24 March 2015.

Our findings in respect of Greater Manchester Police in relation to the recommendations made in 2013 are reported in part 1 of this report.

Our inspection of the use of powers to stop people (other than specific stop and search powers), and the use of stop and search powers that involve the removal of more than outer clothing, are reported in parts 2 and 3 of this report.

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<sup>1</sup> *Stop and Search Powers 2: are the police using them effectively and fairly?* 2015, HMIC, London. Available from [www.justiceinspectors.gov.uk/hmic](http://www.justiceinspectors.gov.uk/hmic)

## Methodology

As part of this inspection, all 43 Home Office forces in England and Wales and the British Transport Police were required to complete a self-assessment of their progress against the 2013 recommendations. They also submitted supporting documents including relevant policies and reports.

In January 2015, we carried out fieldwork in Greater Manchester Police and eight other forces in which we conducted:

- interviews with community representatives;
- interviews with senior managers;
- focus groups with a total of 50 operational sergeants and inspectors;
- focus groups with a total of 100 operational constables and PCSOs; and
- 237 knowledge checks.<sup>2</sup>

In order to verify and strengthen our findings, we carried out visits to police stations where we spoke with officers in intelligence units, investigation units, response teams, neighbourhood teams and custody suites. We observed briefings to see the information that officers received before going out on patrol and attended management meetings to observe how resources were deployed and managed.

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<sup>2</sup> A short test of five questions on the application of the PACE Codes of Practice, Code A.

## **Part 1 - Findings in respect of recommendations made in HMIC's 2013 report, *Stop and search powers: Are the police using them effectively and fairly?*<sup>3</sup>**

This section sets out our findings from the self-assessment provided by Greater Manchester Police and the evidence collected from fieldwork in the force.

### **Recommendation 1 from 2013**

Chief constables and the College of Policing should establish in the stop and search Authorised Professional Practice a clear specification of what constitutes effective and fair exercise of stop and search powers, and guidance in this respect. This should be compliant with the Code of Practice.

#### **Grounds for recommendation 1**

In our inspection in 2013 we found that, with a few exceptions, forces were not able to demonstrate how effective and fair their use of stop and search powers had been. Forces were unclear about what effective and fair meant in the context of stop and search encounters, and there was little evidence that officers were provided with guidance or instruction to assist their understanding.

#### **Findings in respect of Greater Manchester Police regarding recommendation 1**

Notwithstanding the absence of progress on the development of authorised professional practice, many forces have made efforts to define effective and fair stop and search encounters and have provided guidance and instruction to their officers.

Greater Manchester Police's approach to effectiveness reflects that set out in the Home Office's Best Use of Stop and Search scheme and emphasises the quality of the encounter and public confidence in use of powers.

The Greater Manchester Police website states:

"The effectiveness of stop and search 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 the use of stop and search 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.

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<sup>3</sup> *Stop and search powers: Are police using them effectively and fairly?* HMIC, London, 2013, [www.justiceinspectorates.gov.uk/hmic/media/stop-and-search-powers-20130709.pdf](http://www.justiceinspectorates.gov.uk/hmic/media/stop-and-search-powers-20130709.pdf)

Whilst GMP has corporate targets for crime reduction, there are no individual numeric stop and search targets. We believe that if we were to attribute any such targets associated to stop and search, this may have the unintended consequence of influencing officers' decisions to conduct stop and search.

We direct our officers to use the power accorded to them only when the level of suspicion requires it in accordance with the law. We place emphasis on the quality of the encounter as opposed to the quantity of stops and searches conducted.

We welcome the new measures announced by the Home Secretary in April, 2014 and we have agreed to participate in the 'Best Use of Stop and Search' scheme. We will continue to work with our communities and stakeholders to increase effectiveness and public confidence, improve the quality of the encounter and ensure stop and search continues to protect our communities."

Unlike most forces, Greater Manchester Police reported that it does not record the age of the person stopped and searched. This means that Greater Manchester Police is unable to assess fairness against age.

Like most forces, Greater Manchester Police had conducted work within the past three years to determine the extent to which the use of stop and search powers were fair.

Greater Manchester Police produce Stop and Search Monitoring Monthly Bulletins, setting out stop and search data, and provide these bulletins to each division so that senior officers can review and assess the use of stop and search powers. Greater Manchester Police reported that every local police division in Greater Manchester has a local Stop and Search Monitoring Group that scrutinises performance and practice. In many divisions, data are also scrutinised by local community monitoring groups, such as Independent Advisory Groups, at which grounds and proportionality are monitored.

The use of stop and search powers has been identified by Greater Manchester Police as one of 29 equality objectives, incorporated within its equality, diversity and human rights strategy, that it intends to work on until 2017. A strategic oversight group, led by a chief officer and with representation from the Office of the Police and Crime Commissioner (OPCC), oversees the progress of the work.

In the absence of a nationally agreed definition, forces' interpretations vary when defining what effective means in relation to stop and search encounters. Greater Manchester Police records the following outcomes from the use of stop and search:

- Arrest;
- Summons;
- Street Warning;
- No further action; and
- Advice.

However, Greater Manchester Police did not record if the item, or any other prohibited item, is found. It also does not record if an arrest is as a result of the item searched for being found, or any other prohibited item being found. This means the force is unable to differentiate between those arrests made because the original suspicion was accurate, those arrests made where a different item than that suspected was found, or those arrests made which were not connected at all to the original suspicion (for instance, an arrest for disorderly conduct or an arrest because the person was already wanted for another offence). Therefore, Greater Manchester Police is still not able to determine whether its use of stop and search powers is effective or fair.

When we spoke to police officers in Greater Manchester Police we found little knowledge of the existence of a policy on stop and search and, where knowledge did exist, there was little awareness of the content.

In relation to training, Greater Manchester Police includes behavioural and ethical aspects of behaviour in its customer service training. This training is delivered to all officers and staff and includes a section on the use of stop and search powers together with an input on the customer's perspective. While the training did not include unconscious bias, many officers we spoke to were aware of the term and had some knowledge of it.

## **Recommendation 2 from 2013**

Chief constables should establish, or improve, monitoring of the way officers stop and search people so that they can be satisfied their officers are acting in accordance with the law (including equality legislation and the Code of Practice) and that the power is used effectively to prevent crime, catch criminals and maintain public trust. This monitoring should, in particular, enable police leaders to ensure officers have the reasonable grounds (and, where applicable, authorising officers have the reasonable belief) required by law to justify each stop and search encounter.



## **Grounds for recommendation 2**

In 2013, HMIC found that very few forces could demonstrate that the use of stop and search powers was based on an understanding of what works best to cut crime, and rarely was it targeted at priority crimes in their areas. Forces had reduced the amount of data collected to reduce bureaucracy, but this had diminished their capability to understand the impact of the use of stop and search powers on crime levels and community confidence. Of the 8,783 stop and search records HMIC examined in 2013, 27 percent did not include sufficient reasonable grounds to justify the lawful use of the power.

## **Progress of Greater Manchester Police regarding recommendation 2**

Similar to the vast majority of forces, Greater Manchester Police systematically collects information about stop and search encounters. However, as the force does not record detailed information about items found and arrests made, it is not able to understand the manner in which its officers use the powers. Greater Manchester Police also reported that it does not collect data about the prosecution or conviction rate arising from stop and search encounters. This also limits its ability to determine effective use of the powers.

Greater Manchester Police is one of about three-quarters of forces that reported that auditing the use of the powers to check that they were lawfully carried out now forms part of their scheduled programme of audits. The most recent is reported to have taken place in September 2014. However, the audits are not undertaken by a central audit team but take the form of dip-sampling carried out by each division, the results of which are discussed at senior leadership team and/or other divisional meetings to consider any action that might be required. The dip-sampling includes a review of proportionality but, unlike more than half of all forces; it does not include a review of the effectiveness of the use of the powers. The dip-sampling, carried out and reviewed internally within each division, is not considered to be as effective as an audit carried out by an independent team. A similar dip-sample carried out by the OPCC has recently been suspended due to staff restructure.

In Greater Manchester Police, we found that officers we spoke to were not aware of the governance or monitoring systems in respect of stop and search encounters, but suspected that some dip-sampling of records took place.

We found that monitoring of stop and search encounters took place at local management level during scheduled meetings. Any issues arising from the data gathered about stop and search encounters are expected to be identified and tackled by the local senior management team with no central oversight. We also found that supervisors were generally restricting their oversight to supervising computer records as opposed to patrolling with their officers and observing stop and search encounters as they happen.

The members of the Independent Advisory Group have the opportunity to accompany officers on patrol and observe them as they carry out their duties, including using stop and search powers. However, some of the IAG members had not taken up the opportunity because they were unaware of it.

In relation to public engagement and providing the community with opportunities to scrutinise the use of stop and search powers, the police and crime commissioner has held two public forums focused on the use of the powers. One forum involved senior officers setting out their approach to stop and search encounters and explaining what is being done to increase their efficiency and effectiveness. The second involved a community panel, engaged to support and advise the force while providing a community perspective. However, neither of these involved members of the community scrutinising the use of stop and search powers or reviewing relevant records.

The force now ensures that all applications for the use of section 60 Criminal Justice and Public Order Act powers have first undergone community consultation. Applications will not be granted without this and there have been no applications for the past six months. HMIC is not able to assess if the absence of applications means that no such applications were required in that time, or that officers are finding other ways to deal with situations without resorting to the use of section 60 powers. It is also not clear what process is used for those spontaneously occurring situations where violence is imminent that may require section 60 powers.

In Greater Manchester Police, consistent with the other eight forces inspected, the gathering and analysis of the data were concentrated much more on the effectiveness of stop and search encounters than on fairness. While Greater Manchester Police reviewed the ethnicity of those stopped and searched, it did not have sufficient measures to judge the fairness of the encounter – for instance, by assessing if reasonable grounds existed, and, as importantly, if they were explained clearly to the person being searched.

### **Recommendation 3 from 2013**

Chief constables should ensure that officers carrying out stop and search encounters are supervised so that they can be confident that the law is being complied with and that the power is being used fairly and effectively. Particular attention should be given to compliance with the Code of Practice and equality legislation.

### **Grounds for recommendation 3**

Code A places a specific obligation on supervisors to monitor the use of stop and search in order to prevent its misuse, and directs that:

- “supervisors must monitor the use of stop and search powers and should consider, in particular, whether there is any evidence that the powers are being exercised on the basis of stereotypes or inappropriate generalisations;
- supervisors should satisfy themselves that the practice of officers under their supervision in stopping, searching and recording is fully in accordance with the code; and
- supervisors must also examine whether the records reveal any trends or patterns which give cause for concern and, if so, take appropriate action to address them.”<sup>4</sup>

In 2013 we found little evidence that supervisors observed their constables using stop and search powers. There were inconsistencies in the recording of searches; evidence that people searched were not always provided with the information required by Code A; and that they were not always fairly treated.

### **Findings in respect of Greater Manchester Police regarding recommendation 3**

Unlike the vast majority of forces, Greater Manchester Police does not require supervisors to endorse the stop and search record. The force’s use of the Airwave radio system means that an officer transmits the details of the stop and search encounter to a control room where it the information is then recorded, meaning no hard copy of the form is available to the searching officer. The record is electronic and supervisory review and endorsement of the electronic record is not required by the force. However, the force’s stop and search policy sets out the supervisor’s responsibility to oversee a stop and search encounter by monitoring it via audio over the Airwave system while it is happening. Even if this occurred on each and every occasion, and the evidence we found suggests it does not, there is no means of recording the fact that the supervision took place or what, if any, supervisory intervention was required.

As in 2013, HMIC focus groups with supervisors and interviews with constables both revealed that supervisors rarely observed their officers carrying out stop and search encounters. In most cases, supervisors are sitting at a computer rather than patrolling with officers and observing how they carry out their duties. Among the officers we spoke to, none recalled being challenged about how they used, or recorded their use of, stop and search powers.

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<sup>4</sup> *Revised code of practice for the exercise by: Police Officers of Statutory Powers of stop and search, Police and Criminal Evidence Act 1984, HM Government, December 2014, Code A, paragraph 5.1, [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/384122/PaceCodeAWeb.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384122/PaceCodeAWeb.pdf).*

While it is a policy requirement that supervisors monitor stop and search encounters in real time via Airwave, there was an acceptance among those supervisors we spoke to that this does not routinely occur as they are too busy and none of the constables we spoke to could recall ever having supervisory oversight in this way. The exception to this involved the Automatic Number Plate Recognition unit staff, who said that they were supervised regularly and often the sergeant was present while stop and search powers were used.

While senior officers had no concerns about the effectiveness of the supervision of stop and search encounters via Airwave radios, as per the force policy, it is clear that those expected to supervise are not routinely doing it and those who should be subject to it do not think it is occurring and, therefore, receive no supervisory input from which to learn. In this respect, the technology is making it harder for supervisors to comply with the force policy.

## **Recommendation 4 from 2013**

The College of Policing should work with chief constables to design national training requirements to improve officers': understanding of the legal basis for their use of stop and search powers; skills in establishing and recording the necessary reasonable grounds for suspicion; knowledge of how best to use the powers to prevent and detect crime; and understanding of the impact that stop and search encounters can have on community confidence and trust in the police. Specific training should also be tailored to the supervisors and leaders of those carrying out stops and searches.

### **Grounds for recommendation 4**

In 2013, we found that training, where it was given, was focused almost exclusively on law, procedure and officer safety and very little on what works best to catch criminals, or how officer behaviour can affect the way the encounter is experienced by the person being stopped and searched. We were worried that little was being done by forces to help officers understand how they should judge when they have reasonable grounds to stop and search, how they communicate these grounds to the person being searched and how they record them in accordance with the Police and Criminal Evidence Act 1984.

### **Findings in respect of Greater Manchester Police regarding recommendation 4**

This recommendation was aimed predominantly at the College of Policing. Notwithstanding the absence of a national training package, some forces have sought to improve the training of their officers on the use of stop and search powers. However, Greater Manchester Police is waiting for the national training package before considering how it will progress this issue.

## **Recommendation 5 from 2013**

Chief constables should ensure that officers and supervisors who need this training are required to complete it and that their understanding of what they learn is tested.

### **Grounds for recommendation 5**

In 2013 we found that supervisors were given little or no training about how to supervise, or to help them understand what is expected of them. We found many examples of supervisors reviewing and signing stop and search records that clearly did not include a description of reasonable grounds for suspicion. For example, on one record signed by a supervisor, the grounds had been recorded as 'Parked in a remote car park after dark'.

### **Progress of Greater Manchester Police regarding recommendation 5**

Addressing recommendation 5 is first dependent on the development of a national training package, which is not yet available (see recommendation 4 above). Greater Manchester Police is waiting for that training package to be made available before considering what additional training it will put in place for supervisors.

## **Recommendation 6 from 2013**

Chief constables should ensure that relevant intelligence gleaned from stop and search encounters is gathered, promptly placed on their force intelligence systems, and analysed to assist the broader crime-fighting effort.

### **Grounds for recommendation 6**

Intelligence is a valuable by-product of stop and search encounters. However, in 2013 we were surprised at how little effort was given to monitoring how effectively stop and search powers were used to prevent crime and catch criminals. Only five forces had an intelligence field included on their stop and search record and in a further eight it was noted on the record that a separate intelligence submission had been made. In those forces that did gather intelligence, there was confusion as to whether the stop and search record acted as an automatic intelligence submission or whether a separate intelligence form should be submitted, and we saw evidence of delays in placing the intelligence onto computer systems. This reduced the quality of the intelligence available to officers. Very few forces carried out sufficient analysis to map the locations of stops and searches against recorded crime, or to link stop and search encounters to prosecutions and convictions.

## **Findings in respect of Greater Manchester Police regarding recommendation 6**

Greater Manchester Police, along with about half of all forces, reported that it mapped the locations of stop and search encounters to assist with analysis, and also, similar to about a third of all forces, reported that it mapped this data against crime patterns.

The force also reported that, when officers have gleaned intelligence from stop and search encounters, they are required manually to submit a separate intelligence record to intelligence unit staff as soon as possible for assessment and addition to the intelligence database. A strict time limit is not set for submission; however intelligence is discussed at daily divisional senior leadership team meetings.

At a leadership forum in July 2014, all divisional and branch senior leadership teams committed to improve intelligence submissions from stop and search encounters.

## **Recommendation 7 from 2013**

Chief constables should, in consultation with elected policing bodies, ensure that they comply with the Code of Practice by explaining to the public the way stop and search powers are used in their areas and by making arrangements for stop and search records to be scrutinised by community representatives. This should be done in a way that involves those people who are stopped and searched, for example, young people.

### **Grounds for recommendation 7**

In 2013, we found that less than half of forces (19) complied with the requirement in Code A to make arrangements for the public to scrutinise the use of stop and search powers. Recognising the importance of keeping the public informed, it is surprising how little forces consulted or communicated with the public about their use of stop and search powers. Almost half of forces did nothing to understand the impact of stop and search encounters on their communities, with only a very small number proactively seeking the views of the people and communities most affected.

### **Progress of Greater Manchester Police regarding recommendation 7**

Greater Manchester Police has set up community stop and search monitoring groups with an open invitation to members of the public to join. Greater Manchester Police's website says:

"The involvement and empowerment of Greater Manchester's communities is essential to the success of policing in Greater Manchester and a key component is local monitoring of stop and search activity".

At a local level, Greater Manchester Police reports that the use of stop and search powers is monitored by local independent community monitoring groups usually made up of members from the local police Independent Advisory Groups. The role of the monitoring groups includes holding their police to account, scrutinising the operational use of stop and search powers and providing local communities with a voice into their local force to communicate their experiences of street encounters.

The monitoring groups scrutinise the stop and search data recorded via the Airwave system as no hard copy record is created. However, it is not clear if the groups are given access to the grounds recorded so that they can scrutinise the legality of encounters.

Over half of forces, including Greater Manchester Police, now publish information to the public which would help to explain the use of stop and search powers in their area. However, at present, Greater Manchester Police, unlike some forces, does not publish maps of the locations of stop and search encounters.

In line with the Home Office's Best Use of Stop and Search Scheme, Greater Manchester Police provides opportunities for members of the public to accompany police officers on patrol when they might deploy stop and search powers.

Greater Manchester Police reports that it has carried out work to understand how the use of stop and search powers affects public trust. Information is gathered about public trust during community engagement activities and from community monitoring groups. Details of local stop and search lead officers are provided on the Greater Manchester Police web site and feedback is invited.

Additionally, the OPCC has carried out community consultation and the police and crime commissioner held a public forum during 2014, which included a panel of community representatives, to examine Greater Manchester Police's use of stop and search powers. The force intends to repeat this in January 2015.

As a result of the public forum in 2014, the force, together with community representatives and the OPCC, developed an action plan. This recognises that more opportunities to obtain feedback needed to be developed and that an option to provide feedback anonymously is also required. Greater Manchester Police reports that it has also engaged youth groups, and people who have been stopped and searched, to assist in making training materials, videos and other communications to capture their views and experiences.

## **Recommendation 8 from 2013**

Chief constables should ensure that those people who are dissatisfied with the way they are treated during stop and search encounters can report this to the force and have their views considered and, if they wish, make a formal complaint quickly and easily. This should include information about dissatisfaction reported to other agencies.

### **Grounds for recommendation 8**

In 2013 we carried out a survey of people who had been stopped and searched<sup>5</sup>. Of the 391 respondents, there were too many occasions when people felt that the police had not treated them with respect (47 percent) or had not acted reasonably (44 percent). Thirty-nine percent said their experience of being stopped and searched lowered their opinion of the police. Of those people who said they were unhappy with the way they were treated by the police during the stop and search encounter, only 16 percent made a formal complaint. Many of those who did not complain, when asked why they had not done so, expressed a lack of faith in the complaints system.<sup>6</sup>

### **Findings in respect of Greater Manchester Police regarding recommendation 8**

Greater Manchester Police gathers limited information about dissatisfaction related to stop and search encounters. Officers provide a receipt to people who are stopped and searched on which information is provided about the force's website address. On the website there is an explanation of how to make a complaint, provide general feedback or apply for compensation. Within the website there are clear directions about a person's right to complain and how this can be done.

The force had developed opportunities on its website for people to leave feedback about their experiences of policing, including that of being stopped and searched; this is dependent on the person stopped and searched taking the initiative and visiting the site. Our 2013 survey results suggest that very few are likely to do that and so forces must take the initiative and put in place proactive measures to seek their views.

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<sup>5</sup> *Stop and Search Powers: Are the police using them effectively and fairly?* HMIC, 2013, [www.justiceinspectorates.gov.uk/hmic/media/stop-and-search-powers-20130709.pdf](http://www.justiceinspectorates.gov.uk/hmic/media/stop-and-search-powers-20130709.pdf)

<sup>6</sup> *IPCC position regarding police powers to stop and search*, IPCC, June 2009, [www.ipcc.gov.uk/sites/default/files/Documents/guidelines\\_reports/stop\\_and\\_search\\_policy\\_position.pdf](http://www.ipcc.gov.uk/sites/default/files/Documents/guidelines_reports/stop_and_search_policy_position.pdf)



While the force provides information on how to make contact if someone wants to complain or provide feedback via the force website which is printed on the stop and search receipt given to the person searched at the conclusion of the encounter, it was concerning that some officers did not know of this information and had been given neither instruction nor training on how best to explain this at the time to the person searched.

In the main, there is still a reliance on low complaint numbers to justify why so little work has been done to establish why people feel dissatisfied about the manner in which they were stopped and searched, and to use that information to improve practices and strengthen public trust.

Greater Manchester Police has not carried out analysis of complaints made as a result of stop and search encounters, because of the low numbers of complaints it records as breaching Code A. However, few complaints that arise from stop and search encounters are recorded under the breach of Code A category. We found that other categories of complaint such as incivility, oppressive conduct, harassment, and lack of fairness and impartiality are more likely to be used to categorise complaints from stop and search encounters as these are often the behaviours that give rise to the complaint.

Greater Manchester Police does not routinely scan all complaints to see if they arose from stop and search encounters and thus was unable to establish if there were any trends. However, the force has recognised that it needs to question why no one complains but, as yet, has taken little or no action to find out.

The police and crime commissioner is working to address some of these issues by the launch of a downloadable application which allows people to feed back their experience of being stopped by the police.

## **Recommendation 9 from 2013**

Chief constables should introduce a nationally agreed form (paper or electronic) for the recording of stop and search encounters, in accordance with the Code of Practice.

### **Grounds for recommendation 9**

In 2013, we found a variety of forms used to record stop and search encounters in use by forces. They differed substantially in terms of layout and the type of detail to be recorded. One force had five different stop and search forms in circulation at the time of our inspection.

The recommendation involves the agreement of all chief constables in England and Wales and as such, is not a recommendation applicable solely to Greater Manchester Police.

## **Recommendation 10 from 2013**

Chief constables should work with their elected policing bodies to find a way of better using technology to record relevant information about stop and search encounters which complies with the law and reveals how effectively and fairly the power is being used.

### **Grounds for recommendation 10**

Our 2013 inspection found that technology had the potential to improve the effective, lawful and fair use of stop and search powers. However, although there were a number of interesting developments, limited use was being made of technology to record stop and search encounters at that time.

### **Findings in respect of Greater Manchester Police regarding recommendation 10**

In 2013, Greater Manchester Police was one of only two forces in which some or all officers were able to record stop and search encounters on the street using Airwave. The Airwave facility also provides an audio record of the stop and search encounter and its grounds, and an automatic record of its geographical location. However, the force reports that there have been some issues with the Airwave recording process which the force is actively seeking to resolve.

Officers told us they were sometimes unable to access the Airwave channel because it was busy and had to transmit the details at some later time, and usually at a different location. This can lead to inaccurate recording of the location as well as the time and, on occasions, the date of the encounter. The Airwave system provides a receipt but does not provide a copy of the search record. Instead, the person had to apply later for a copy online or take a photograph of the record held by the officer with their own mobile telephone.

Some stop and search encounters are also recorded using body worn video, although mandating its use to record stop and search encounters and reviewing footage to determine compliance with Code A is still work in progress. The use of body worn video in these circumstances is likely to improve the effectiveness and fairness of encounters while, research suggests, also improving the behaviour of both the officers and the people stopped and searched<sup>7</sup>

Similar to the majority of forces, Greater Manchester Police has a custody system that includes a field for completion by custody staff to show whether an arrest has resulted from a stop and search encounter and, thereby, help to assess effectiveness of the use of the powers.

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<sup>7</sup> *Guidance for the Police use of body-worn video devices*, Police and Crime Standards Directorate, Home Office, July 2007; *Picture This: body worn video devices ('headcams') as tools for ensuring fourth amendment compliance by police*, Harris, D., April 2010; and others.

The Airwave system provides a basis for evaluation but proper oversight is dependent upon consultation with the officer to gather the full details. The Airwave does not allow the force to identify if a person has been stopped and searched multiple times, which hinders the force's ability to assess if stop and search encounters are being carried out fairly.

## **Conclusions for Part 1**

Despite the absence of a definition of effective and fair use of stop and search powers in the Authorised Professional Practice, Greater Manchester Police has developed and published on its website an explanation of effectiveness.

However, the force stop and search policy did not include this and some officers we spoke to were unaware of it. Nevertheless, it was encouraging to find that a strategic oversight group had been established to oversee the fair use of stop and search powers as an integral part of the force's equality, diversity and human rights strategy although it remains an issue that no scrutiny of stop and search records by community members takes place. The force still records insufficient information from stop and search encounters to allow it to assess whether the powers are used effectively and fairly.

There remains little in the way of central oversight of the use of stop and search powers. The responsibility for monitoring them is still predominantly given to local managers and any audits are carried out by staff within local policing areas rather than by an independent team. Senior leaders should not be comfortable with this.

Supervision of the use of stop and search powers remains an issue. Supervisors are required to supervise encounters but, in practice, they rarely did so, citing busy workloads as a reason. The Airwave recording system did not allow a supervisor to endorse the record to show that a review had taken place, nor did it allow a record of any supervisory intervention. In reality, stop and search records bypass supervisors. None of the officers we spoke to could recall ever being supervised over the Airwave system while carrying out stop and search encounters, or being challenged and questioned by supervisors about a stop and search record. In this regard, the technology is thwarting supervisors from complying with policy.

Greater Manchester Police had not provided officers and supervisors with additional training, preferring to wait for the provision of a national training package from the College of Policing before doing so.

We were encouraged to find that the force had set up a community stop and search monitoring group and the general public were invited to become members. Additionally, the force had set up local community monitoring groups whose remit included monitoring the use of stop and search powers by reviewing data produced by Airwave.

More could be done to consider the dissatisfaction information the force receives and use it as part of a structured process to inform future learning and improvement. There is still a reliance on low complaint numbers to justify why so little work has been done in this regard.

Greater Manchester Police has been at the forefront of exploring the use of technology to record stop and search encounters through its Airwave system. However, the force reported that there have been some issues with the process which it is actively seeking to resolve.

The force also records some stop and search encounters using body worn video, although mandating its use to record stop and search encounters and reviewing footage to determine compliance with Code A is still work in progress.

Overall the force has made progress on the recommendations made in 2013; however there is still more than needs to be done.

## Part 2 - How effectively and fairly does Greater Manchester Police use section 163 of the Road Traffic Act 1988?

In addition to requesting HMIC to inspect further on the progress that police forces had made since the 2013 inspection, the Home Secretary commissioned HMIC to:

“Review other powers that the police can use to stop people, such as section 163 of the Road Traffic Act 1988, in order to establish that they are being used effectively and fairly.”

### Powers to stop vehicles

In our 2013 report, we highlighted that some people believed that they had been stopped and searched when, in fact, they had been stopped and spoken to by an officer or stopped in their car under the Road Traffic Act – without a search taking place<sup>8</sup>.

In England and Wales, police officers’ powers to stop vehicles are enshrined in section 163 Road Traffic Act 1988, which states:

“A person driving a motor vehicle on a road must stop the vehicle on being required to do so by a constable in uniform”<sup>9</sup>

Unlike stop and search powers, which are subject to the requirements of a statutory Code of Practice<sup>10</sup>, the power does not require an officer to have any particular reason to stop a motor vehicle and there is no requirement for the officer to explain why he or she has carried out the stop.

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<sup>8</sup> *Stop and Search Powers: Are the police using them effectively and fairly?* HMIC, July 2013, page 18, [www.justiceinspectors.gov.uk/hmic/media/stop-and-search-powers-20130709.pdf](http://www.justiceinspectors.gov.uk/hmic/media/stop-and-search-powers-20130709.pdf)

<sup>9</sup> *Road Traffic Act 1988* s.163, [www.legislation.gov.uk/ukpga/1988/52/section/163](http://www.legislation.gov.uk/ukpga/1988/52/section/163)

<sup>10</sup> *Revised code of practice for the exercise by: Police Officers of Statutory Powers of stop and search*, Police and Criminal Evidence Act 1984, HM Government, December 2014, Code A [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/384122/PaceCodeAWeb.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384122/PaceCodeAWeb.pdf)

## **Findings in respect of Greater Manchester Police regarding section 163 of the Road Traffic Act 1988**

Greater Manchester Police reported that, while work had been undertaken to understand how well its officers used powers of stop and search, less had been done to understand how well they used the Road Traffic Act power to stop vehicles.

Similar to the vast majority of forces, Greater Manchester Police reported that it does not have a policy on the use of the Road Traffic Act power. Officers are not required to record their use of section 163 powers, and no information about the use of the power is collated and reviewed so that senior leaders can understand how officers use it.

Due to the absence of recording requirements, supervision of the use of the power does not take place and the force is not able to carry out work to understand if the power is used effectively and fairly, or how the use of the power affects public trust.

However, this is not to say that individual officers never record these encounters. From our interviews with officers, we found that the use of this power was sometimes recorded in a pocket notebook, on a fixed penalty notice where one was issued or on the Police National Computer if the officer had conducted a check of the person or vehicle concerned.

On those occasions when a stop was recorded, it was done so in an ad hoc manner and not according to any particular system that might allow effective oversight of the use of the power.

No training has been provided to officers and, like the vast majority of forces, Greater Manchester Police has not designated a senior officer to oversee its use.

## **How effectively and fairly do police community support officers use their powers to search for and seize alcohol and tobacco?**

The Police Reform Act 2002 enables forces to designate police community support officers (PCSOs) with the power to seize alcohol from any person they reasonably suspect to be in possession of alcohol, who is under the age of 18 and in a public place or place to which the person has gained unlawful access<sup>11</sup>. It also allows forces to designate PCSOs with the power to seize tobacco from any person under the age of 16 who they find smoking in a public place<sup>12</sup>. In order to discharge these powers effectively, the Police Reform Act provides PCSOs with the power to search for the items if they reasonably believe the person is in possession of them<sup>13</sup>. Chief constables have a choice whether or not to designate these powers to their PCSOs.

HMIC asked all forces to provide a self-assessment of their use of the Police Reform Act 2002 powers to establish if they were making effective and fair use of these. We undertook further testing in this area while conducting fieldwork in the nine forces chosen for the inspection.

### **Findings in respect of Greater Manchester Police regarding Police Reform Act 2002**

HMIC found from the self-assessments completed by Greater Manchester Police that very little work had been done to understand how effectively and fairly PCSOs used the Police Reform Act powers to search for and seize alcohol and tobacco.

Like most forces, Greater Manchester Police reported that it did not collect, record or use information to assess how well its PCSOs used the Police Reform Act powers. Due to absence of records, no audits of the use of the powers had been undertaken to determine if they were used effectively and fairly.

As with the use of the Road Traffic Act power, this lack of oversight at the senior level of the force was replicated on the frontline, with no requirement for supervisory oversight of the use of Police Reform Act powers.

We found during our fieldwork that a recording system, similar to that in place for the use of stop and search powers, existed. However, this is where the similarity ended.

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<sup>11</sup> Police Reform Act 2002, Schedule 4, Powers exercisable by police civilians, Part 1, Community Support Officers, paragraph 6 [www.legislation.gov.uk/ukpga/2002/30/schedule/4](http://www.legislation.gov.uk/ukpga/2002/30/schedule/4)

<sup>12</sup> Police Reform Act 2002, Schedule 4, Powers exercisable by police civilians, Part 1, Community Support Officers, paragraph 7 [www.legislation.gov.uk/ukpga/2002/30/schedule/4](http://www.legislation.gov.uk/ukpga/2002/30/schedule/4)

<sup>13</sup> Police Reform Act 2002, Schedule 4, Powers exercisable by police civilians, Part 1, Community Support Officers, paragraph 7A [www.legislation.gov.uk/ukpga/2002/30/schedule/4](http://www.legislation.gov.uk/ukpga/2002/30/schedule/4)

There was much less supervision by sergeants of the way the powers were being used than is the case for stop and search. We believe that part of the reason for this is the fact that the power can only be used by PCSOs, meaning that sergeants have no experience of using it themselves (unless they had been a PCSO before becoming a constable) and therefore lack the knowledge and confidence to check properly the work of the PCSOs.

While PCSOs told us they record their use of the Police Reform Act powers, the records are not supervised, collated or reviewed in any way to determine how effectively and fairly the powers are used. The force was unable to provide us with either the number of times the powers had been used or detail of the outcomes.

## **Conclusions for Part 2**

In Part 2 of this inspection, due to the absence of records we were unable to assess how efficiently and fairly officers in Greater Manchester Police use the Road Traffic Act power to stop vehicles and the Police Reform Act powers to search for and seize alcohol and tobacco.

Also, unlike the situation with stop and search, Greater Manchester Police does not have in place policies that guide officers about how to use the Road Traffic Act power effectively and fairly. Oversight of the Police Reform Act power is better, with a policy in place. However, the policy offers generic guidance about all PCSO duties and is not bespoke to exercising Police Reform Act powers. As such, it offers little in the way of guidance or advice but simply lists the powers available to PCSOs. For both Road Traffic Act and Police Reform Act powers, Greater Manchester Police shows little commitment to collecting information and using this to oversee their fair and effective use.

The absence of reliable data about the use of the Road Traffic Act and Police Reform Act powers has meant that Greater Manchester Police cannot demonstrate to us that it is using these powers effectively and fairly.

In our report *Stop and Search Powers 2: Are the police using them effectively and fairly*, we made recommendations to all forces in respect of the use of these powers.



## Part 3 - Searches involving removal of more than an outer coat, jacket or gloves

As part of this inspection, HMIC was commissioned by the Home Secretary to examine the use of 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.

Code A<sup>14</sup> informs police officers about how to conduct stop and search encounters; and makes certain distinctions about what clothing can be removed and where searches can take place. The following extracts from Code A describe what can and cannot be done in relation to the removal of clothing during a search.

- “There is no power to require a person to remove any clothing in public other than an outer coat, jacket or gloves, except under section 60AA of the Criminal Justice and Public Order Act 1994 (which empowers a constable to require a person to remove any item worn to conceal identity).”<sup>15</sup>
- “Where on reasonable grounds it is considered necessary to conduct a more thorough search (e.g. by requiring a person to take off a T-shirt), this must be done out of public view, for example, in a police van unless paragraph 3.7 applies, or police station if there is one nearby. Any search involving the removal of more than an outer coat, jacket, gloves, headgear or footwear, or any other item concealing identity, may only be made by an officer of the same sex as the person searched and may not be made in the presence of anyone of the opposite sex unless the person being searched specifically requests it.”<sup>16</sup>

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<sup>14</sup> *Revised code of practice for the exercise by: Police Officers of Statutory Powers of stop and search*, Police and Criminal Evidence Act 1984, HM Government, December 2014, Code A  
[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/384122/PaceCodeAWeb.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384122/PaceCodeAWeb.pdf)

<sup>15</sup> *Revised code of practice for the exercise by: Police Officers of Statutory Powers of stop and search*, Police and Criminal Evidence Act 1984, HM Government, December 2014, Code A, paragraph 3.5,  
[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/384122/PaceCodeAWeb.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384122/PaceCodeAWeb.pdf)

<sup>16</sup> *Revised code of practice for the exercise by: Police Officers of Statutory Powers of stop and search*, Police and Criminal Evidence Act 1984, HM Government, December 2014, Code A, paragraph 3.6,  
[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/384122/PaceCodeAWeb.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384122/PaceCodeAWeb.pdf)

- “Searches involving exposure of intimate parts of the body must not be conducted as a routine extension of a less thorough search, simply because nothing is found in the course of the initial search. Searches involving exposure of intimate parts of the body may be carried out only at a nearby police station or other nearby location which is out of public view (but not a police vehicle).<sup>17</sup>

In effect, Code A specifies three levels of search that are characterised by their increasing level of intrusiveness:

- A search involving no removal of clothing other than an outer coat, jacket or gloves;
- A search involving more than removal of an outer coat, jacket or gloves but not revealing intimate parts of the body; and
- A search involving more than the removal of an outer coat, jacket or gloves which reveals intimate parts of the body, often referred to as a strip search.

While the code stipulates that there is only a power to require the removal of more than an outer coat, jacket or gloves out of public view, the accompanying guidance notes provide the officer with the opportunity to ask the person voluntarily to remove more than that clothing within public view.<sup>18</sup> However it does not give any further guidance on how this should be conducted.

## **Findings in respect of Greater Manchester Police regarding stop and search encounters requiring the removal of more than outer coat, jacket or gloves**

Greater Manchester Police has a specific policy regarding the use of stop and search powers; however it does not provide guidance about stop and searches where there is a need to remove more than a person’s outer coat, jacket or gloves, including strip searches.

When asked to provide information about searches conducted involving the removal of more than outer clothing, Greater Manchester Police was unable to provide any information as the removal of more than outer coat, jacket or gloves when

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<sup>17</sup> *Revised code of practice for the exercise by: Police Officers of Statutory Powers of stop and search*, Police and Criminal Evidence Act 1984, HM Government, December 2014, Code A, paragraph, 3.7, [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/384122/PaceCodeAWeb.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384122/PaceCodeAWeb.pdf).

<sup>18</sup> *Revised code of practice for the exercise by: Police Officers of Statutory Powers of stop and search*, Police and Criminal Evidence Act 1984, HM Government, December 2014, Code A, Notes for guidance: Recording [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/384122/PaceCodeAWeb.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384122/PaceCodeAWeb.pdf)

conducting stop and search encounters is not recorded. This is the case for the vast majority of forces. We are not able to report, with any accuracy, how often Greater Manchester Police officers conduct more intrusive searches on the street and are not able to report how many strip searches in total are conducted.

Senior officers had no knowledge or oversight of the searches conducted by their officers involving the removal of more than outer clothing. It is very worrying to us that the leaders and supervisors of officers using stop and search powers do not know, as a matter of course, when their officers are conducting, or have conducted, more intrusive searches. The levels of scrutiny and accountability that one would expect to find when a person has his or her clothing removed during a stop and search encounter is very weak indeed – even for strip searches.

Encouragingly, when asked about the items of clothing that can be removed in public view, the vast majority of officers displayed a good knowledge of the legal requirements.

From the evidence we found during the inspection, it is clear that these highly intrusive searches, including strip searches, are being conducted without the proportionate and necessary levels of supervision and scrutiny that they deserve.

As a result of the absence of any records in relation to the removal of more than outer coat, jacket or gloves, the force reported that it is not able to determine how many times these occur or to what level of intrusiveness. Neither is it able to determine if the actions of its officers in this regard are effective and fair, or what impact the removal of more than outer coat, jacket or gloves has on public trust.

### **Conclusion for Part 3**

The power of a police officer to stop a member of the public in the street and search them is an intrusive one. The ability to remove clothing that reveals the intimate parts of the person's body is extremely intrusive.

HMIC cannot judge if searches by Greater Manchester Police that require the removal of more than an outer coat, jacket or gloves are either appropriate or necessary as it is not possible to separate them from stop and search encounters that do not involve the removal of such clothing. As a result, it is also not possible accurately to establish the volume of such searches undertaken.

HMIC would expect the level of scrutiny that takes place on stop and search encounters to increase in line with the level of intrusion. However, this is not the case. Greater Manchester Police could not provide HMIC with the number of stop and search encounters that involved the removal of more than an outer coat, jacket or gloves, or the number of those that involved a strip search. This means that it is carrying out no greater scrutiny of these very intrusive searches than it carries out for searches that do not involve the removal of such clothing. Therefore, neither we nor

the force can assess whether or not those stop and search encounters are lawful, necessary and appropriate.

The current lack of recording does not allow forces to ensure that individuals' rights are not being breached. It also does not provide the force with any ability to identify officers who may require additional training, advice or discipline.

Based on all the information available to HMIC during this inspection, we have serious concerns about the way officers are conducting searches where more than a person's outer coat, gloves or jacket is removed.

In our report *Stop and Search Powers 2: Are the police using them effectively and fairly*, we made recommendations to all forces in respect of stop and search encounters involving the removal of more than outer coat, jacket or gloves.