

Stop and Search Receipting: Concerns raised to date and our responses

Victoria Police concerns raised:	Response:
<p>1) <i>Filling our more forms and providing receipts is too time-consuming for police.</i></p>	<p>Search forms and filed contact reports already need to be filled in by police and PSO's.</p> <p>Requiring a carbon copy section of a form to be filled in immediately and provided to the person being stopped simply changes the time and place when the forms are completed. The suggested receipting form can be a simpler version of the forms currently in use.</p> <p>UK reports have stated that it took 16 minutes for an officer to conduct a stop and search and complete the paperwork. Coupled with the fact that only 9% of the 1.2 million stop-and-search incidents that took place in the UK every year led to an arrest this represent a concerning waste of police time.</p> <p>The Metropolitan police commissioner, Sir Bernard Hogan-Howe, has set a target that at least 20% of searches in London should lead to an arrest or drugs warning. The latest figure suggests it had risen to 18.3% in the last year after the adoption of a more "intelligence-led approach" at a time when the overall use of the powers had fallen from 500,000 to 350,000.</p> <p>What is truly wasteful of police time is the volume of unnecessary and ineffective stops. Eliminating stops based on racial bias or stereo types will lead to both cost and time savings for police.</p>
<p>2) <i>Police already have too much paperwork. There is already resistance to filling in paperwork amongst Victoria police members.</i></p>	<p>This form is not an additional form. In fact this policy change recommends that the existing filed contact form be simplified. The only addition is to include stops. Currently there is no statistics routinely collected about stops. Collecting stats will enhance transparency and pattern in stops and is good for management as well as the community.</p> <p>As a modern and professional body Victoria Police members should have adequate training and organisation support to enable note-taking and record keeping that is consistent, accurate and legally admissible.</p> <p>Proposed Vic Pol IT and data entry improvements are the best way to reduce paperwork.</p>

<p>3) Having to issue a receipt will prevent casual contact between police and communities on the street.</p> <p><i>There should be more casual contact between police and communities on the street to relieve tensions and humanise police to young people.</i></p>	<p>This policy is not about stopping all contact between police and public – but only preventing unwarranted, unlawful and unnecessary stops and searches, particularly those experienced by young people and people from ‘racialised’ communities¹.</p> <p>There is an inherent power imbalance between police officers and young, racialised community members. Young people see police interest in them as criminalizing. The reality is that police are not attempting casual contact with white people in business suits...the “casual” contact is itself discriminatory.</p> <p>Over policing (too much attention of police without reason), delegitimizes the role of police rather than increases the likelihood racialised victims will report crime. Reducing casual and unnecessary contact between police and racialised communities members on the street will increase community confidence in police. It could lead to increased reporting of crime but racialised communities as trust is established.</p>
<p>4) The policy will reduce the intelligence gathering capacity of the police to acquire information through pre-arrest questioning and searching.</p>	<p>The success of a stop and search must be judged by the levels of arrests and successful prosecutions they yield.</p> <p>Police should not be stopping and questioning people unless there is clear evidence that the person being stopped could be linked to a crime.</p> <p>The enhancement of community confidence in police will by far out-weigh the value of any intelligence casually gathered by stereotypical rather than information-led stops. There should be a decrease in the number of stops and searches overall as a result. This will reduce the numbers of innocent people who are caught up in law enforcement processes and racial discrimination in particular.</p>

¹ Racialised communities is a term used to describe groups of people who have had race used as a key descriptor by media, society or discourse, “Asian gangs”, “Asylum seekers”, “Middle-Eastern men”, “African youth” are examples of racialised ‘problem groups’.

<p>5) Providing reasons to people about why they have been stopped will reduce the capacity of the police to keep law enforcements strategies secret.</p>	<p>Community confidence in policing requires clear communication about the actual reasons behind a stop and search. Even in sensitive operations, there is no reason to withhold the generic reason for the stop. (for example, we are looking for a suspect who was last seen 5 minutes ago in this area wearing red shorts and a green t-sheet with white skin, runners etc.... Police don't need to say, "we are running a covert operation to catch a bank robber".)</p>
<p>6) The receipting requirement may deter police from conducting operations.</p>	<p>Policing that has no legitimate reason, or that is based upon implicit or overt bias or stereotypes, should be completely deterred.</p> <p>When a legitimate reason exists to infringe upon a person's right to privacy and movement, there is no problem with using the form. The onus must be on police to justify that reason.</p>
<p>7) Victoria Police data collection strategies are not up to the job of collating and publicising accumulated data.</p>	<p>The form needs to be IT friendly. Police data collection is already problematic. Ensuring that this form is completed and collated needs to be part of the reform to police data collection.</p>
<p>8) People might think that they have been charged or become upset at being given a receipt.</p>	<p>People being stopped and search already feel under arrest. There is a need for community education about public searches and there reasons. The CLC sector would be very happy to assist with this community legal education process. In addition, the forms should clearly state "<i>You are not under arrest. This form is for your information and protection.</i>"</p>
<p>9) Receipts will increase paper litter on the streets.</p>	<p>The highly public searches as part of the <i>Control of Weapons Act</i> were quite artificial and standard 'receipts' were given out to everyone. Some littering occurred around these mass searches.</p> <p>Most people in other police stop/search scenarios would be grateful for a receipt to take away to explain why and that has the name of the officer.</p>
<p>10) People may think they are being fined or confuse a 'receipt' for a fine.</p>	<p>Police will need to explain that this is just a receipt and not a fine.</p> <p>"This is not a fine" will need to be printed near the top of the receipt.</p>

<p>11) The receipt should be available through a Freedom of Information (FOI) request only.</p>	<p>FOI is a lengthy legal process that the overwhelming majority of young people will not be able to access. Furthermore it doesn't immediately provide the contact details of the officers involved or an immediate description of the reason for the stop. Both these are essential to increase the confidence in young people that policing is being conducted legitimately.</p>
<p>12) There is not enough evidence from other jurisdictions that proves receipts are effective.</p>	<p>Substantial evidence from the UK and other jurisdictions of stop and search receipting already exists– as outlined in our policy documents. The introduction of the Stop and Search Receipting Policy will ensure that Victoria Police adopts international best practice.</p> <p>The perception that there were large disproportionalities in the use of stop and search on different racial groups in the United Kingdom was confirmed when ethnic monitoring was introduced, with the data first published in 1995. Since then, per head of population in England and Wales, recorded stops and searches of Asian people have remained between 1.5 and 2.5 times the rate for white people, and for black people always between 4 and 8 times the rate for white people.²</p> <p>There is increased international understanding of the benefits of race data collection by law enforcement – to “measure, monitor and manage”.</p> <p>The Stop and Think Again Report (UK 2013) details the successful use of demographic recording of police stops, and monitoring by independent bodies. This report provides substantial evidence that when police forces take decisive action to monitor and reduce racial profiling through stop and search receipting and data collection - it can be effective.</p> <p>The policy will help ensure that data is collected that will allow analysis by policy makers and the community about the existence of any racial biases in police stop and search practices and the effectiveness of stop and search practices.</p> <p>Such data collection and statistical monitoring is rapidly becoming the norm internationally,</p> <p>The UK Equality and Human Rights entered into formal legal agreements with two of the forces which had high levels of disproportionality in their use of stop and search - Leicestershire and Thames Valley - to address this concern and work with them to avoid any breaches of the UK Equality Act.</p>

² Stop and Think Report <http://www.equalityhumanrights.com/key-projects/race-in-britain/stop-and-think/> .

	<p>This work included:</p> <ul style="list-style-type: none"> • promoting intelligence-led use of stop and search rather than using the power based on hunches or generalisations about groups; • training in 'reasonable grounds' and lawful and proportionate use of the power; • eliminating the use of performance targets for stop and search; • monitoring of race patterns down to local level and individual officers; and • a written force policy on stop and search which reflected best practice. <p>The success of the Commission's work has created a best practice blueprint with positive measurable results for other police forces to follow.</p>
<p>13) Questioning of a person's ethnicity or religion may be seen as intrusive and misconstrued as racial profiling itself. The collection of race/ethnicity in these circumstances, may be perceived as discriminatory and could be counter-productive in terms of community relationships.</p>	<p>The policy does not involve the police officer or PSO directly requesting the ethnicity of the person who they stopped.</p> <p>The focus of the stop and search receipting and data collection policy is on <i>officer perception</i> of racial origin and if appropriate religion rather ethnicity, because it aims to examine stereotyping of criminality based on visible characteristics such as skin colour, scarf wearing, beard length, religious attire.</p> <p>The race and religion recorded should be that of the officer's perception rather than that offered by the stopped person.</p> <p>As perception and stereotyping are at the heart of racial profiling, the focus of the policy is of the <u>perception</u> of race that police officers or PSO's have. A person's self identification of race is not relevant to this policy. The purpose of the monitoring is to determine the perception of the officer and if it contributes to officer conduct. As referred to above, clear communication, clearly designed forms, along with a consistent community education messages will also reduce the risk of the public misconstruing the ethnic data being collected.</p> <p>The American Civil Liberties Union ("the ACLU") supports the use of data collection of the ethnicity of people police stop as a tool to understand and eliminate police stops based on race.³</p>

³ See for example "Unequal under the law, racial profiling in Louisiana" ACLU 2009 available at: http://www.laaclu.org/PDF_documents/unequal_under_law_web.pdf

	<p>A similar conclusion was reached by The Institute on Race & Poverty (“the Institute”) in their research on best practice components of racial profiling legislation.⁴</p> <p>In 2009 the Canadian Human Rights Commission and Canadian Race Relations Foundation urged police to collect data on the ethnicity of people they interact with.</p>
<p>14) Individual Police officers or PSO’s will attempt to distort the statistics by stopping more white people randomly or deliberately misreporting details.</p>	<p>This has been an identified problem in the United Kingdom and has been treated as a disciplinary issue, which is precisely what we recommend here. Reducing its likelihood is dependent upon the attitude and leadership of force command, the quality of training and force policies that highlight the importance of the policy. Stats collected should not be used for performance measure or evaluation of individual officers.</p>

⁴ See Institute report 5 March 2001, “Components of Racial Profiling Legislation” available at: <http://www1.umn.edu/irp/publications/racialprofiling.html>