

# Y•STOP?

## Policing communities and stop and search law

### **Aim:**

Give learners an understanding of the function and purpose of policing, of police-community relations and how stop and search relates to these. The session will introduce learners to key concepts in stop and search law, helping them identify unlawful/unprofessional practice.

### **Learning outcomes:**

- To understand that police have powers, but these are balanced by individuals' rights and are regulated by law.
- To reflect on how stop and search impacts on police-community relations
- To explain and apply key concepts and laws relating to stopsearch

**Duration: 60 minutes**

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### **Share aims and outcomes with group (5 mins)**

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### **Starter (10, plenary)**

Who here has ever engaged with a police officer?  
Would anybody like to share their experiences with the police?  
Are you comfortable speaking to a police officer?  
What is your impression of the police?  
Do you think the relationship between police and the community is important?

#### *Points to consider*

- *Draw out both negative and positive experiences, which could be as a victim or a witness to a crime, or a suspect.*
  - *Discuss and explain police-community relations in context of riots and the factors leading to it*
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### **What are the police for? (10, group exercise)**

Discuss the quotes in **Resource A** and consider the role the police play in terms of enforcing the law and the role the police play in protecting the public. In some situations it may not be possible to protect the public without enforcing the law.

*Points to consider;*

- *A contrast is often drawn between a police force and a police service. The notion of a police force emphasises the crime-fighting role of the police and the various ways in which the police can legally use force or violence to enforce the law (e.g. to overpower suspects who resist arrest). A police force tends to be more aggressive and militaristic in its response to situations. 'Zero tolerance' policing draws on the idea of the police as a police force.*
  - *The notion of a police service emphasises the range of activities that the police are involved in beyond law enforcement and crime fighting e.g. responding to calls for help from the public, resolving disputes, giving directions, patrolling the beat, finding missing persons, attending traffic accidents. A police service tends to focus more on prevention and seeks to work cooperatively with the public. 'Community policing' is consistent with the idea of a police service.*
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### **What is stop and search? (5, plenary)**

Can anybody explain stop and search?

Has anybody seen a stop and search take place, either of themselves or another person?

Encourage learners to share their experiences

*Points to consider*

- *A police power that allows police to search individuals they suspect of carrying prohibited items*
  - *Items they would be looking for are; drugs, weapons, stolen items or something that could be used to commit an offence (e.g. crowbar, spray paint)*
  - *Learners may not be comfortable people in sharing personal experiences with the police, gauge how general to keep the discussion.*
  - *try to focus on fairness and the law rather than individuals' feelings.*
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### **Are the police free to do what they want? (10, Group work)**

Get into small groups to address the question, reflecting on this quote and discussing what each element means

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### **Do you think police use their powers to stop and search fairly and correctly? (5, plenary)**

What is law regulating stop and search?

*Points to consider*

- *Officers cannot discriminate against someone for their race, religion, ages, membership of a group/community*
  - *Officers must have reasonable suspicion that a person possesses a stolen/prohibited item (based on specific intelligence or suspicious behaviour)*
  - *Officers must inform the person being searched of their badge number; the station they are registered at; the grounds for the stop/what they are looking to find*
  - *Officers must offer the person being searched a completed stop and search receipt (or tell you how you can obtain one)*
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### **What is reasonable suspicion? (15, in pairs)**

Provide each pair with a copy of the Police and Criminal Evidence Act 1984: CODE A and in groups, ask them to discuss the following scenarios to assess whether they constitute reasonable suspicion. After 10 mins, go through the answers and discuss.

Afterwards, ask the class if they can think of any situations that may not require reasonable suspicion.

#### *Points to consider*

- *Some stop and search powers do, but they will rarely be stopped under these. These are "Section 60" which are authorised in a specific area for just 24 hours to deal with a threat of imminent violence e.g. football match or public gathering – and terrorism related searches.*

## Appendix: Resources

### Resource A

In his famous study, *The Policeman in the Community* (London: Tavistock, p. 127), Michael Banton noted that:

*The policeman on patrol is primarily a 'peace officer' rather than a law officer. Relatively little of his time is spent enforcing the law in the sense of arresting offenders; far more is spent 'keeping the peace...the most striking thing about patrol work is the high proportion of cases in which policemen do not enforce the law*

Following the summer 'riots', Steven Kavanagh, the Metropolitan Police Deputy Assistant Commissioner denied that the force had been soft on rioters, saying:

*The Met is not namby pamby. The Met does not wish to use baton rounds\* but if it gets put into a position that it needs to protect the people and the property and the lives of Londoners, [then] we will do so".*

\*baton rounds are also known as plastic or rubber bullets.

### Resource B

Gary T. Marx (2001) *Police and Democracy*, in M. Amir and S. Einstein (eds) *Policing, Security and Democracy*, Office of International Criminal Justice

<http://web.mit.edu/gtmarx/www/dempol.html>

According to Gary T. Marx, Emeritus Professor at the Massachusetts Institute of Technology (MIT):

Police in a democratic society:

1. are subject to the rule of law embodying values respectful of human dignity, rather than the wishes of a powerful leader or party
2. can intervene in the life of citizens only under limited and carefully controlled circumstances and
3. are publicly accountable.

## Resource C

### Scenario A

Jonny and Rizwaan are walking to school and police pull up. They saw them smoking cannabis last week so suspect they will be carrying some now and want to check their pockets.

### Scenario B

Romeo is going back home after visiting a friend for the weekend, so he is carrying a big bag and running to catch a bus. Police stop him, saying there has been a burglary in the area and want to check what he is carrying in his bag.

### Scenario C

Samara is sitting in the park with a group of friends, mostly boys. Two police officers arrive saying they are aware some of her friends are affiliated with gangs in the area. They search Samara as they think the boys have handed their weapons to the girls to hide.

### Scenario D

Abdi is on his bike outside his Somali youth club. The police turn up, saying some young men from the Somali community were caught with knives the night before, so they want to check the other young Somalis in the area.

### Scenario E

Danielle and Ciara are driving to the cinema on Saturday night with the windows down. They are pulling into the car park when a police car signals for them to pull over. An officer tells them she wants to conduct a search as she could smell cannabis as they passed.

“Viewed with Suspicion”, a short film by StopWatch and Open Society Justice Initiative:

<https://www.youtube.com/watch?v=7Tx7sK54y2Y>

Suggested further reading;

<http://www.stop-watch.org/uploads/documents/vws-report.pdf>