



# British Transport Police Authority

## Stop and Search

ACC Alan Pacey



# Topics

- Powers
- Monitoring
- Analysis
- Terrorism Act 2000
- Outcomes
- Complaints
- Future Challenges



# Powers

## Stop and Account

- Require a person in a public place to account
- Actions
- Behaviour
- Presence
- Possession of anything
  
- Recommendation 61 Macpherson Report
- Flanagan report



# Powers

## Reasonable Grounds – PACE Code A

- Officer must have reasonable grounds to search
- Stolen property
- Prohibited articles
- Drugs
- Firearms



# Powers

## Terrorism Act 2000 – s44

- Authority granted by Chief Officer
- Ratified by Government Minister
  
- Expedient to prevent acts of terrorism
- Geographical Area
- Time Period
  
- Officer does not require reasonable grounds
- Vehicles or persons in the vehicle
- Pedestrians or anything carried by them

# Powers

## Public Order – s60 CJPOA 1994

- Authority granted by Superintendent / Inspector
- Serious violence may take place
- Persons carrying dangerous or offensive weapons
- Officer does not require reasonable grounds
- Geographical Area
- Time Period



# Monitoring

- Police Authority
- Government
- Steering Group
- Community Groups
- Freedom of Information Act publications

## Analysis

- Overall encounters decreased by 30% - 110,013
- Terrorism Act searched reduced by 70% - 17,050
- Reasonable Grounds stops down by 8% - 26,844
- Public Order use declined by 35% - 6,245



# Comparison

Analysis Period	Terrorism Act 2000		Stop & Account		Reasonable Grounds		Public Order		Summary	
	No.	%	No.	%	No.	%	No.	%	No.	%
London North	5,226	19%	16,606	59%	4,482	16%	1,788	6%	28,102	26%
London South	3,141	11%	16,190	55%	9,122	31%	1,109	4%	29,562	27%
London Underground	6,089	28%	8,194	37%	4,488	20%	3,151	14%	21,922	20%
North Eastern	1,003	13%	5,285	66%	1,664	21%	31	0%	7,983	7%
North Western	486	4%	8,435	61%	4,708	34%	87	1%	13,716	12%
Scotland	17	10%	108	66%	26	16%	12	7%	163	0%
Wales & Western	1,088	13%	5,056	59%	2,354	27%	67	1%	8,565	8%
<b>Force</b>	<b>17,050</b>	<b>15%</b>	<b>59,874</b>	<b>54%</b>	<b>26,844</b>	<b>24%</b>	<b>6,245</b>	<b>6%</b>	<b>110,013</b>	

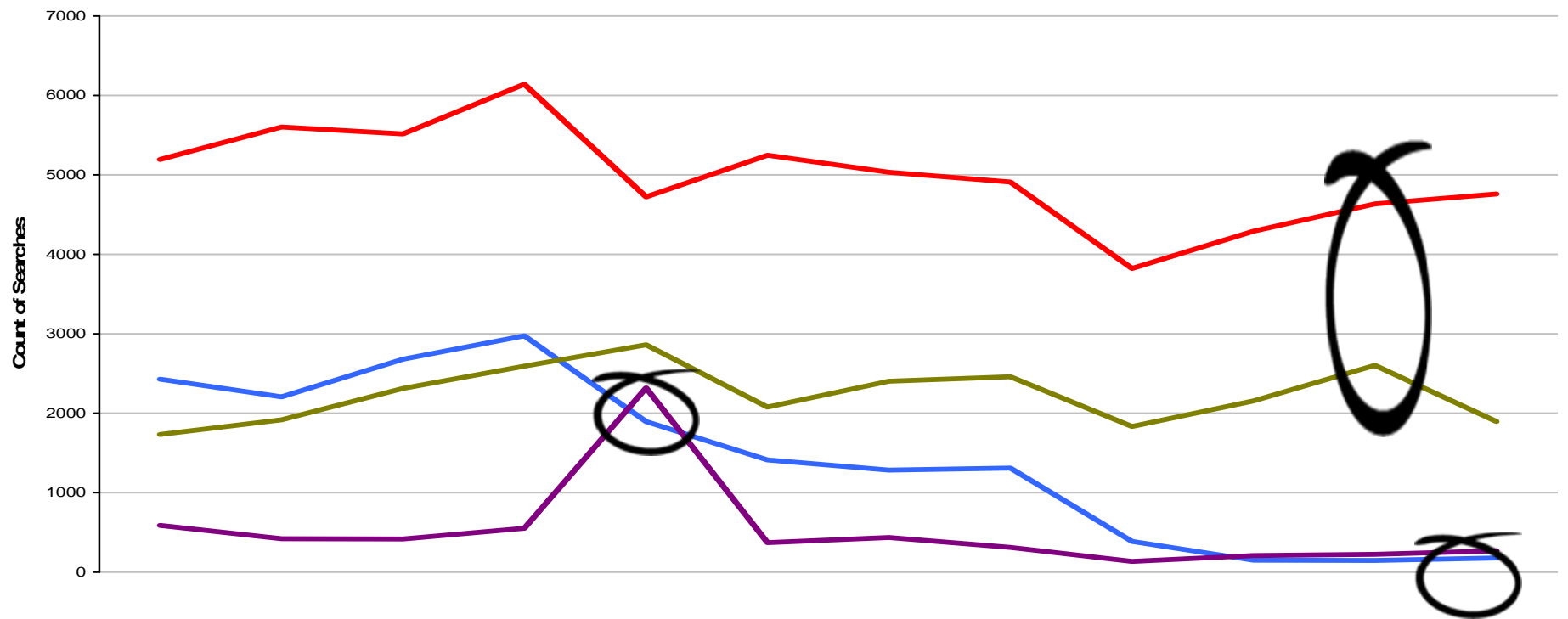
For comparison, the previous 12 months 01 April 2008 to 31 March 2009.

2008/09	Terrorism Act 2000		Stop & Account		Reasonable Grounds		Public Order		Summary	
	No.	%	No.	%	No.	%	No.	%	No.	%
London North	8,628	29%	15,540	52%	4,435	15%	1,326	4%	29,929	19%
London South	7,841	21%	17,642	48%	9,540	26%	1,933	5%	36,956	23%
London Underground	19,881	45%	10,886	25%	7,204	16%	6,265	14%	44,236	28%
North Eastern	8,146	55%	4,935	33%	1,739	12%	12	0%	14,832	9%
North Western	4,139	30%	5,502	40%	4,160	30%	29	0%	13,830	9%
Scotland	5,653	95%	206	3%	87	1%	24	0%	5,970	4%
Wales & Western	3,837	32%	6,075	50%	2,038	17%	85	1%	12,035	8%
<b>Force</b>	<b>58,125</b>	<b>37%</b>	<b>60,786</b>	<b>39%</b>	<b>29,203</b>	<b>19%</b>	<b>9,674</b>	<b>6%</b>	<b>157,788</b>	



# Use of Powers

Encounters by Month



	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Terrorism Act 2000	2,427	2,207	2,680	2,975	1,895	1,413	1,284	1,309	386	149	146	179	17,050
Stop & Account	5,193	5,604	5,516	6,143	4,723	5,247	5,033	4,909	3,821	4,291	4,635	4,761	59,875
Reasonable Grounds	1,733	1,917	2,312	2,594	2,861	2,078	2,402	2,460	1,833	2,154	2,604	1,896	26,844
Public Order	587	419	418	551	2,319	370	435	312	133	209	223	269	6,245
Force Total	9,940	10,147	10,926	12,263	11,798	9,108	9,154	8,990	6,173	6,803	7,608	7,105	110,014

# Terrorism Act 2000

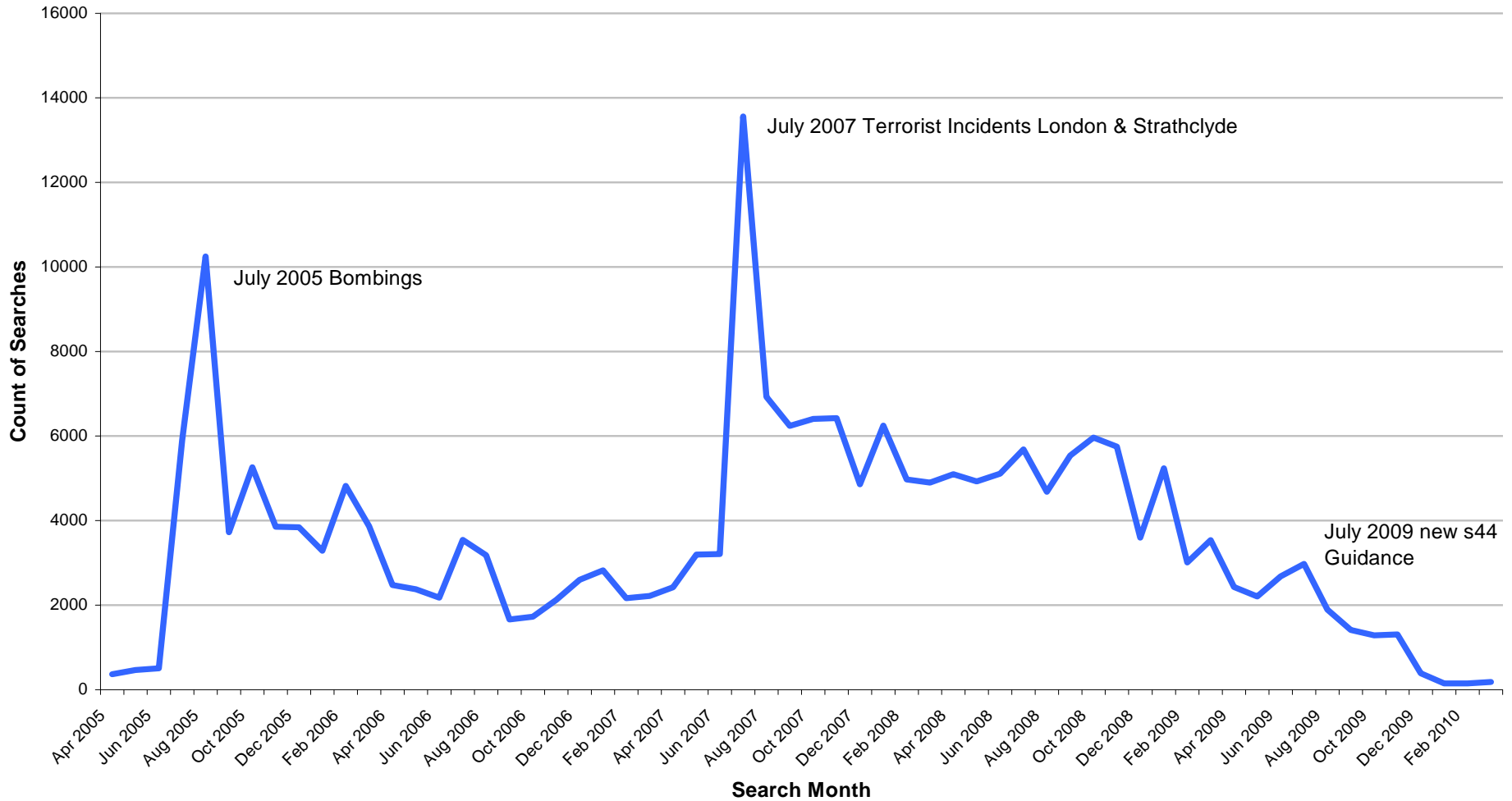
Policing Year	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
2008/09	5,099	4,924	5,109	5,683	4,678	5,537	5,965	5,747	3,597	5,239	3,011	3,536	58,125
2009/10	2,427	2,207	2,680	2,975	1,895	1,413	1,284	1,309	386	149	146	179	17,050

- Variations
- Changes in threat level
- Vulnerability of network and locations



# Terrorism Act 2000

s44 Encounters by Month





## Terrorism Act 2000

### Gillan & Quinton v United Kingdom

- Unduly wide discretion on police
- Insufficient remedies if used incorrectly
- Rejected by House of Lords
  
- European Court Of Human Rights
- Insufficient safeguards in domestic law
- Contrary to Right of Privacy (Article 8)



## Terrorism Act 2000

### Gillan & Quinton v United Kingdom

- Power still legal
- Appeal process
- Home Office working group
  
- BTP Strategy and Guidance

# Proportionality

## Self Defined Ethnicity (SDE)

– s95 Criminal Justice Act 1991

- Officer Recorded Ethnic Appearance (EA)
- Percentage of encounters
  
- Age
- Gender
- Outcome

# Proportionality

## Self Defined Ethnicity (SDE)

Analysis Period	White		Black		Asian		Other		Not Stated		Summary
	No.	%	No.	%	No.	%	No.	%	No.	%	No.
Force	67,627	61%	16,581	15%	7,751	7%	2,605	2%	15,449	14%	110,013

- Discredited measure
- Not Stated encounters



# Proportionality

## Ethnic Appearance (EA)

Analysis Period	White		Black		Asian		Other		Summary
	No.	%	No.	%	No.	%	No.	%	No.
Force	77,918	71%	20,059	18%	9,285	8%	2,751	3%	<b>110,013</b>

- Eliminates Not Stated

# Proportionality

## Ethnic Appearance (EA)

Analysis Period	White		Black		Asian		Other		Summary
	No.	%	No.	%	No.	%	No.	%	No.
Force	77,918	71%	20,059	18%	9,285	8%	2,751	3%	110,013

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	No.	%	No.	%	No.	%	No.	%	No.	%	No.
Force	67,627	61%	16,581	15%	7,751	7%	2,605	2%	15,449	14%	110,013

- Eliminates Not Stated
- Does not mask disproportionality

# Proportionality

## Ethnic Appearance (EA)

Analysis Period	White		Black		Asian		Other		Summary
	No.	%	No.	%	No.	%	No.	%	No.
Terrorism Act 2000	11,542	68%	1,253	7%	3,064	18%	1,191	7%	17,050
Stop & Account	43,441	73%	11,501	19%	3,881	6%	1,051	2%	59,874
Reasonable Grounds	20,105	75%	4,658	17%	1,654	6%	427	2%	26,844
Public Order	2,830	45%	2,647	42%	686	11%	82	1%	6,245
Force	77,918	71%	20,059	18%	9,285	8%	2,751	3%	110,013

- Terrorism Act - increased Asian & Other ethnicities
- Public Order - Marked ratio for Black ethnicity
- Public Order – higher incidence of Asian stops

# Proportionality - Benchmarking

All encounters		White		Black		Asian		Other		Summary
		No.	%	No.	%	No.	%	No.	%	No.
Force	BTP	77,918	71%	20,059	18%	9,265	8%	2,751	3%	<b>110,013</b>
	MPS	771,692	55%	346,943	25%	227,496	16%	60,369	4%	<b>1,406,500</b>

MPS - 1 March 2009 to 28 February 2010

- Ostensibly less disproportionate

Other Powers		White		Black		Asian		Other		Summary
		No.	%	No.	%	No.	%	No.	%	No.
Terrorism Act 2000	BTP	11,542	68%	1,253	7%	3,064	18%	1,191	7%	<b>17,050</b>
	MPS	59,246	65%	11,280	12%	16,143	18%	5,080	6%	<b>91,749</b>
Stop & Account	BTP	43,441	73%	11,501	19%	3,881	6%	1,051	2%	<b>59,874</b>
	MPS	447,076	61%	127,171	17%	121,255	16%	41,352	6%	<b>736,854</b>
Reasonable Grounds	BTP	20,105	75%	4,658	17%	1,654	6%	427	2%	<b>26,844</b>
	MPS	236,938	49%	163,244	34%	71,367	15%	13,126	3%	<b>484,675</b>
Public Order	BTP	2,830	45%	2,647	42%	686	11%	82	1%	<b>6,245</b>
	MPS	28,432	30%	45,248	49%	18,731	20%	811	1%	<b>93,222</b>

- Proportion of White stops greater in all categories
- Reasonable Grounds & Public Order searches less disproportionate

# Arrest Rates

British Transport Police	Terrorism Act 2000			Stop & Account			Reasonable Grounds			Public Order			Summary		
	No.	Arrested	%	No.	Arrested	%	No.	Arrested	%	No.	Arrested	%	No.	Arrested	%
London North	5,226	17	0.3%	16,606	610	3.7%	4,482	378	8.4%	1,788	29	1.6%	28,102	1,034	3.7%
London South	3,141	16	0.5%	16,190	706	4.4%	9,122	565	6.2%	1,109	20	1.8%	29,562	1,307	4.4%
London Underground	6,089	25	0.4%	8,194	396	4.8%	4,488	240	5.3%	3,151	39	1.2%	21,922	700	3.2%
North East	1,003	5	0.5%	5,285	134	2.5%	1,664	103	6.2%	31			7,983	242	3.0%
North West	486	6	1.2%	8,435	361	4.3%	4,708	241	5.1%	87	2	2.3%	13,716	610	4.4%
Scotland	17			108			26	1	3.8%	12	1	8.3%	163	2	1.2%
Wales & Western	1,088	9	0.8%	5,056	181	3.6%	2,354	108	4.6%	67	1	1.5%	8,565	299	3.5%
<b>Force</b>	<b>17,050</b>	<b>78</b>	<b>0.5%</b>	<b>59,874</b>	<b>2,388</b>	<b>4.0%</b>	<b>26,844</b>	<b>1,636</b>	<b>6.1%</b>	<b>6,245</b>	<b>92</b>	<b>1.5%</b>	<b>110,013</b>	<b>4,194</b>	<b>3.8%</b>

- Steady after 18 month decline
- Comparable with other forces
- Future inclusion of other success indicators

# Complaints

- Why monitored
- Lessons learnt
- IPCC referral

Power	Complaint		Encounters
	No.	%	%
Reasonable Grounds	16	48%	24%
Public Order	6	18%	6%
s44 Terrorism Act	11	33%	15%
Force	33		

- Complaints to Encounter Ratio
  - Public Order – 3 times
  - Terrorism Act – 2.2 times
  - Reasonable Grounds – 2 times

# Complaints

Ethnicity	Complainant		Encounters
	No.	%	%
White	10	30%	61%
Black	3	9%	15%
Asian	2	6%	7%
Other	1	3%	2%
Not Stated	17	52%	14%

- No Apparent proportionality issues
- Not Stated - new processes and PSD advice

Outcome	No.	%
Investigation	10	30%
Local Resolution	18	55%
Unsubstantiated	2	6%
Withdrawn	3	9%

- Majority of complaints are resolved – no discipline action

## Future Challenges

- Reduce Bureaucracy
- IPCC Guidance
- Equality & Human Rights Commission – Plan 'B'
- Revision of s44 Terrorism Act
- Consideration of By-laws and Transport Act
- Information Demand