

Stop and Search Consultation

Summary of focus group at DGMA

22nd August 2016

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All efforts have been made to anonymise the input given by participants, however there is still a small risk that individuals who have not given permission for their stories to be shared could be identified. This is especially the case because the organisation and its members are very visible in the rural area where they operate. Excerpts of this summary can be used or shared more widely provided they do not contain information which could compromise confidentiality.

Introduction

CRER held a small focus group meeting at Dumfries and Galloway Multicultural Association (DGMA) in Dumfries on 22nd August 2016. DGMA is a voluntary sector organisation set up by community leaders in 2003 to raise the profile of diversity in the local area. More information can be found on the DGMA website: <http://www.dgma.org.uk>

The aim of the focus group was to gather views on the forthcoming changes to stop and search in Scotland. This summary provides an overview of their opinions, in contribution to the Scottish Government's consultations on the Draft Code of Practice for Stop and Search and Police Powers to Search Children and Young People for Alcohol.

█ people involved with DGMA's Monday Evening Youth Group were present. █

██████████ Participants had a very broad mix of ethnicities, and were mostly female.

The forthcoming changes were explained and discussed throughout the meeting. This was challenging in some respects, due to the young age of some participants and language barriers for a few of the adult participants. The discussion lasted around one hour. Participants were assured that their input would be completely confidential.

The questions used to prompt discussion were:

1. What do you know about stop and search, and the powers that Police have to stop and search people? What have you heard about it? (followed by explanation of current powers e.g. consensual and statutory systems, and how these are going to change)
2. Have any of you ever been stopped and searched?
3. A new set of rules called a Code of Practice is being written by the Scottish Government to say what Police who want to stop and search people are allowed to do and how they should treat people. What do you think the important points are for the Scottish Government to include in the Code of Practice?
4. Are there things you think it should say about stopping and searching children and young people?
5. From early next year, consensual stop and search will not be allowed anymore. Police are concerned that this will mean they can't search children and young people for alcohol anymore, as this is not included in the statutory stop and search powers. Do you think they should have new powers to search children and young people for alcohol? What would be the good things and bad things about this? (followed by some discussion and further explanation of the current situation and the reason changes may be needed)
6. What is the most important thing you would like to tell Scottish Government and the Police about stop and search?

These questions were used as prompts, however the discussion progressed more naturally with participants keen to ask questions and put forward opinions and stories. Their input is summarised below.

1. Experience and understanding of Stop and Search

Stop and search was not a very familiar concept to this group, although some were more aware than others. Those who had more awareness had a strong perception that it happens more to people from minority ethnic backgrounds. One [REDACTED] associated stop and search with policing and border patrols in the USA, rather than understanding how it applies in Scotland. Some more explanation and examples were needed to clarify this.

Participants had no personal experience of stop and search, however some had been stopped by police while driving and many of them had examples of people they know (including other group members) who are often stopped in this way, without any obvious reason. Participants seemed to concur that this only happens regularly to people who are visibly minority ethnic as a result of skin colour, and that men are especially affected.

Someone [REDACTED] known to the participants has regularly been stopped, and Police have implied that his car [REDACTED] cannot have been purchased through legitimate means. There is no reason for Police to think that, and the group strongly felt this implication would not have been made to a white man in a similar position.

2. Opinions about Stop and Search

It should be noted that, overall, stop and search was not the biggest concern for these participants. It was not perceived to be something that happened often in the local area. The younger participants were much more concerned with racist bullying, and the older participants with racial harassment and anti-social behaviour. They felt that the Police should put more effort into tackling these issues.

Participants generally agreed that stop and search was necessary in some circumstances, specifically where someone may be carrying a dangerous or illegal item, however they were concerned about its application and the potential for discrimination or harassment by Police Officers. Some examples were discussed of disrespectful, intimidating, unfair and potentially racist behaviour by Police and also Community Safety workers.

Concerns were also raised about the potential for malicious allegations to lead to someone being stopped and searched, and examples were given where threats had been made by harassers to falsely report people to the Police.

The biggest priorities arising from discussion seemed to be to ensure that stop and search decisions were made using good evidence, and to identify ways of protecting people from potential discrimination or harassment by Police Officers.

3. Stopping and searching children and young people

The group instinctively felt that stop and search of children and young people would not be common, and were surprised to hear that concerns had been raised about this as part of the work leading up to the forthcoming changes. They felt very strongly that discipline for children and young people should be the responsibility of parents. As parents, some felt that the thought of Police stopping and searching their children without their knowledge or consent was extremely disturbing.

Some of the participants were very insistent that the role of Police should be to bring the child or young person home, and to investigate any potential wrongdoing there, in the presence of a parent or guardian.

One of the [REDACTED] [REDACTED] felt that children are sometimes allowed to 'run wild' by their parents until late at night. They associated this with illegal behaviour which might require stop and search, and felt that a curfew for young people under a certain age would be a good solution.

Another [REDACTED] was concerned that criminals might impersonate a Police Officer and try to search people in order to rob them. They strongly felt that Officers should have to show identification to prove they were a genuine Police Officer.

Despite the overall resistance to the idea of stopping and searching children and young people, there was also broad understanding of the need to do this in specific circumstances – such as when Police suspect that they are being used to carry drugs for adults, or to prevent violent crime such as knife attacks. It was suggested that metal detectors in schools could help to tackle knife crime by identifying those who need to be searched.

4. Searching children and young people for alcohol

The group discussed the perception that minority ethnic young people are less likely to drink. It was felt that whilst this was true in some communities (e.g. the Pakistani community), not enough is known about alcohol consumption levels by age and ethnicity, especially for communities where research has not been done into young people's behaviours in this area.

Overall, the group were non-committal about the suggested new power to search children and young people for alcohol. One participant felt that it would be pointless, as once the alcohol has been found and removed, it would be easy for the young person to get more. Some participants felt that families were best placed to prevent children and young people from drinking alcohol, and that Police should have to bring any who are intoxicated home and discuss this with parents.

Participants felt that preventative measures were more important. They felt that alcohol consumption was part of a pattern of behaviour, including anti-social behaviour, drug use and other forms of mischief. It was suggested that identifying why young people do these things and resolving the problems pushing them towards these was essential. Peer pressure was felt to be a factor, perhaps especially for young people from minority ethnic communities for whom 'fitting in' with majority ethnic peers is harder as a result of racism.

5. Key points and suggestions for improving approaches

The group had much to say about how stop and search should be conducted, what Police Officers should consider when stopping and searching someone and how the person being stopped and searched could be protected from unfair practices. Some of these points reflect the provisions already made in the draft Code of Practice. These are summarised below.

How stop and search should be conducted:

- Stop and search should only be done where there is good reason to suspect someone is carrying something illegal, and dangerous items that put people at risk should be prioritised.
- Factors like age or ethnicity should never be a consideration when deciding whether to stop and search someone. Crime can be committed by anyone, so evidence of wrongdoing should be the only concern.

- Police should always treat people with dignity and respect when undertaking stop and search.
- Police should treat people as individuals and human beings, and remember that people have different needs and perceptions.

What Police Officers should consider:

- Stop and search can be very frightening and intimidating, especially for children and young people. This can provoke a defensive reaction which can be misunderstood by Police as aggression, so it's important to be sensitive and try not to frighten people.
- People may not understand what is happening, and Police Officers should take account of this and access help if needed (for example, language translation) to make sure they do understand.
- People may behave differently or have different needs due to a health condition; Police Officers should try to ascertain this, treat them appropriately and meet their needs.
- Suspicious looking items underneath people's clothing are usually something perfectly innocent, so people should be given the benefit of the doubt unless there is reason to believe otherwise.
- If stop and search is being considered as a result of a 'tip off', Officers should remember that these can be made maliciously.
- Stopping and searching someone can cause damage to their reputation, their confidence and their relationship with the Police, so it should be done only when needed and with a sensitive approach.
- For religious and cultural reasons, some women from certain minority ethnic groups will not feel it's appropriate to engage with a male Police Officer. Where this is the case, a female Officer should be available instead.

Protecting people from unfair practices:

- In all cases, Police Officers should be required to explain what they are doing and why, and inform people of their rights in a way that the person can understand.
- Police Officers should be required to show identification to prove who they are before searching people.

- Officers stopping and searching people should be required to record it on a body camera, so that complaints can be properly investigated.
- Every stop and search should be recorded in detail.
- Police Officers should be required to treat people with dignity and respect.
- Parents should be involved to ensure their rights and children's rights are respected.
- Schools, colleges, universities and community groups should work with the Police to ensure everyone understands stop and search powers, what to expect if stopped and searched and what their rights are.
- Ethnicity data on stop and search must be collected each time, analysed in detail regularly and used to identify and take action against potential discrimination.

Conclusion

At the end of the meeting, participants were thanked for their input and for agreeing to take part. They were reminded that the information would be provided on a confidential basis to Scottish Government, and would influence their work in developing the new Code of Practice for Police. People were hopeful that the new Code of Practice and the changes being carried out would make the system fairer and less open to abuse.

It was agreed that CRER would send through copies of the consultation papers so that those who wanted to know more could read these.