

# INTANGIBLE COVENANTS

This document stands to acknowledge the struggle for parity  
in a system designed to benefit the few and the difficult process of confronting  
our martinets in an effort to understand the ways in which we are continually trammelled.

It is and will remain a work in progress until all information requested has been  
provided and released publicly.

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## PREFACE

Contracts and legal agreements are, more than any other time in our collective history, present in our everyday lives. From the social media feeds that act as our neo-newspapers and the phones we use to peruse them, to the streets we walk and the public transport that we use, our experiences are bound by terms of service that we are often unfamiliar with. Every time you step out of your front door, you are agreeing to abide by and to a legal societal standard that you had no say in or cause to agree to, but that's fine because the laws and regulations implemented by legislators voted in on your behalf are designed to protect you, they're not concerning or directed at you right? As an individual you might decide that ignorance to this concept is fine, but ignorance, especially in this case is not to be confused with innocence. Something not considered often enough, is how it might feel to be on the reverse end of this relationship. How it feels when biased regulation and legislation is used to belittle or other you. How it feels to be observed, questioned and searched in view of our own homes, on the streets we live on, in front of neighbours, friends and family all in the name of public safety.

Recently, I was subject to just this experience. It wasn't the first time something like this has happened and I'm sure it won't be the last, but it was the one that struck me the hardest. It's difficult for me to translate exactly how it feels to have to explain that the search being conducted on you is happening outside of your front door and even worse, having to provide proof that you actually in fact do reside there. To have to submit to questioning because you fit a loose demographic bill; young, black and male. I wish in those moments I had the composure to ask how and why or on what grounds, to get any of their details, but hindsight is 20/20. I began to wonder, if we are suspect even on our own streets, how far does the purview of the police extend? How could I better prepare myself for a future encounter? What are the bounds of their authority? A million other questions buzzed around my head. How much power have I unwittingly granted the state over my own body, my personal spaces, by the virtue of having existed in them? Just how far does any of this go?

I decided to do my due diligence on the legal ties that bind and over the last few months have done a great deal of research into the Metropolitan Police, their regulation, protocols and legislation. As well as this I have investigated the various P.A.C.E [Police and Criminal Evidence Act] denominations and made a concerted effort to understand what the differences and definitions in each of them are. I have also investigated the history and culture of stop and searches, familiarising myself with its bounds in an effort to inform others as to where the process came from, how it exists today and what the correct conduct, should you find yourself in the unfortunate circumstance of being subjected to one. Furthermore, I have reached out to a number of individuals to recount their experiences as well as institutions, governmental and otherwise to build a better and fuller picture of the current climate and stigmatisation of the process.

I have also begun an investigation of the normalisation of increasingly militarian legislature implemented within other institutions [primarily the scholastic] and identifying, comparing and contrasting the ways in which our government has empowered our educators to police our children.

It isn't my goal to provide an exhaustive alternative system by which we should follow, nor decide for you on which side of the fence you should fall, biased as I may be. In presenting this document to the public, I am not positioning myself as some sort of great enlightener or uniter, but simply someone advocating for the widespread freedom of information as well as public accountability for the institutions that seek to govern us. This is but one of many reviews into the expansive reach of the state that are in order.

THE AUTHOR

ELLIS PARKINSON, 2021

## UNDERSTANDING P.A.C.E

P.A.C.E or The Police and Criminal Evidence Act 1984 as it is officially designated, is the act of Parliament which inaugurated the current generation of judicial powers of the Police forces of England and Wales. Similar legislation was implemented in Northern Ireland in 1989 and in Scotland in 1995. P.A.C.E provides the framework for the methodologies used to combat crime and is the source of the codes of practice for the implementation of those powers. P.A.C.E's aim is to establish a balance between the powers of the police in England and Wales and the rights and freedoms of the public, although this relies on the public being fully aware of them. P.A.C.E is a document of gargantuan reach. Whilst it mainly deals with police powers to search an individual or premises, it also extends to entry of private property, the handling of evidence seized during searches and the treatment of suspects in police custody.

Use of P.A.C.E does however come with a caveat for the police. Failure to specify or contextualise the use of P.A.C.E powers or conform to codes of practice is in itself a criminal offence. However, this premise relies on the suspect in question knowing that their rights have been violated. P.A.C.E was heavily altered by the Serious Organised Crime and Police Act 2005, which replaced almost all of the existing powers of arrest and recategorized arrestable offences with new powers to be generalised for all offences.

P.A.C.E is comprised of eight separate codes, which are as follows:

P.A.C.E Code A, deals with the exercise by police officers of statutory powers to search a person or a vehicle without first making an arrest. It also deals with the need for a police officer to make a record of such a stop or encounter. In January of 2009, Code A was amended to remove lengthy stop and account recording procedures, requiring police to only record a subject's ethnicity and to issue them with a receipt, but this is something rarely conducted in practice.

P.A.C.E Code B, Identifies police powers to search premises and to seize and retain property found on premises and persons.

P.A.C.E Code C sets out the requirements for the detention, treatment and questioning of people in police custody by police officers. It replaced the Judge's Rules in England and Wales.

P.A.C.E Code D concerns the methods used by the police to identify people in connection with the investigation of offences and the keeping of accurate and reliable criminal records.

P.A.C.E Code E discusses the tape recording of interviews with suspects in the police station.

P.A.C.E Code F concerns the visual recording with sound of interviews with suspects.

In January of 2006 an additional code came into force:

P.A.C.E Code G reviewed the statutory powers of arrest that a constable has.

In July of 2006 a further code came into force:

P.A.C.E Code H the correct procedure for the detention of terrorism suspects.

The P.A.C.E codes are regularly amended in order to keep up with current attitudes, technologies and techniques, with the most recent being review having been conducted in 2019.

P.A.C.E is one of many government implemented policies crafted to exist in a grey area. Other organisations such as HMRC, TV Licensing, Royal Mail and British Telecoms all gained statutory powers of entry when P.A.C.E came into effect, with HMRC also being granted plenary powers to break and enter without first ascertaining founded suspicion or evidence. As expected, P.A.C.E and its policies have been criticised for potentially widening the reach of the police too extensively. It is the backbone of policing by suspicion, a policy that has the potential for misuse bound to its very DNA. This lingering mistrust of P.A.C.E is no doubt a persisting aftereffect of its origins and cause for implementation, The Brixton Riots of 1981.

## WHERE DID P.A.C.E COME FROM?

The Brixton Uprising was a seminal moment in the history of the British police and their relationship with the public, especially regarding the ways in which they exert their power[s] and authority over minorities. Set to the backdrop of socio-economic collapse, inadequate housing and a crime rate on the rise, it was only a matter of time until the situation exploded. In the lead up to the riots, the Metropolitan Police implemented 'Operation Swamp 81', an effort to quell the boiling pot that Lambeth was quickly becoming. Operation Swamp '81 [named for former Prime Minister Margaret Thatcher's notions on the country being 'swamped' by those from different or 'the wrong' cultures] was a plainclothes operation to reduce crime, supported by increased numbers of uniformed officers in the area. Officers from other wards were dispatched into Brixton and within five days, 942 people had been stopped and searched, resulting in 82 arrests. This was legally backed by Section 4 of the Vagrancy Act 1824, which reads:

'Every suspected person or reputed thief, frequenting any river, canal, or navigable stream, dock, or basin, or any quay, wharf, or warehouse near or adjoining thereto, or any street, highway, or avenue leading thereto, or any place of public resort, or any avenue leading thereto, or any street, or any highway or any place adjacent to a street or highway; with intent to commit an arrestable offence shall be deemed a rogue and vagabond'

Section 4 meant that the police had the authority to stop and search, and even arrest, anyone found in a public place if they suspected that the subject intended to commit an offence. Sentencing under Section 4 would result in a minimum stretch of 3 months in prison. The use of an ancient piece of legislation such as this, only compounded the outcry for review and reform of the Police and their powers. In order to bring a prosecution under the act, the police had to prove that the defendant had committed two acts; the first, that established them as a 'suspected person' [by acting suspiciously, the conditions of which at that time were defined by the officers in question], and the second, that provided intent to commit an arrestable offence. Two witnesses were required to substantiate the charge, which were usually two police officers patrolling together.

More commonly known as the 'Sus law', Section 4 of the Vagrancy Act remains a damning indictment of the types of prejudiced attitudes that were not only fostered in police departments across the country but endorsed for usage by the government. The usage of Section 4 in the lead up to the 1981 Brixton troubles only exacerbated an already tense situation and it is because of the unwavering efforts of Mavis Best and Paul Boateng, leaders of the grassroots 'Scrap Sus' campaign and support of a small group of cross party back benchers headed by MP John Wheeler that the 'Sus law' was finally repealed, much to the disapproval their opposite members on the front benches and the Police Commission who argued that there had been a purposeful and wilful misrepresentation of the facts and that the so called disproportionate use of power focussed on the Afro-Caribbean community was because they were 'over represented in offences of robbery and other violent theft' and in a rhetoric not too dissimilar from the one employed today, argued that they needed the ability to search with impunity lest the individual potentially carrying a weapon be able to wield it to harm or kill.

Despite the blatant erosion of civil liberties that the 'Sus Law' represented, subsequent governments have attempted to not only reinstate similar legislation, but more expansive variants, including a measure to cordon off specific areas for blanket stop and searches [similar to but not the same as Section 60] of all persons or vehicles for anywhere between six and forty-eight hours, proposed by former Conservative Prime Minister David Cameron, or the expediting of the stop and search interaction, meaning the police required less permission or authorised documentation to be able to act, proposed by former Labour Prime Minister Gordon Brown. This was officially made a part of P.A.C.E Code A in January of 2009.

This attitude of distrust between the public and the police set the stage for the events of the 1981 Brixton riots. After a miscommunication regarding the fate of Brixton resident Michael Bailey, who at the time had been believed to have died at the hands of the police, the patience of the local community finally broke resulting in three days of continual clashes between the two now diametrically opposed groups. Whilst Bailey had not been injured by the authorities, he had been held by them for a considerable length of time despite his injuries, leading the nurses that treated him to claim that the police having held him for as long as they did was a criminal act in itself. The fact that the notion of the police brutalising a young adult and attempting to cover it up wasn't a stretch of the imagination speaks volumes to the state of the relationship at the time. Instead of attempting to control the situation through transparency, the police instead decided to not only continue with Operation Swamp '81, but also to increase patrols and regularity of stops. Having had enough of the continued dismissal of their concerns, the confrontations quickly formed into riots, claiming hundreds of vehicles, homes and businesses [either lost to damages during the clashes or arson] and leading to hundreds more injured on both sides. As the uprising continued over the following days a further 2,500 officers were dispatched to the area to control the situation. Despite the fact that they were woefully underprepared to deal with the rioters and were without strategy or appropriate equipment, the collective police commission decided to sacrifice the safety of their own officers in order to quell the unrest.

A catalyst for the nation, in the following months, there was similar unrest across the country in Handsworth, Southall, Toxteth, Hyson Green, Moss Side, Leeds, Leicester, Southampton, Halifax, Bedford, Gloucester, Wolverhampton, Coventry, Bristol and Edinburgh. Despite the continued denial of Thatcher, the climate of racial tension was a key factor in the continued turbulence and all of the disturbances were present in areas ravaged by years of unemployment and recession. In a particularly intolerant debate between Thatcher and Ted Knight [who in his own words criticised the government for condoning an unofficial occupation of his constituency which had sparked the riots], the representative for Lambeth Council at the time, Thatcher dismissed the idea that the disparity in employment [with 13% overall, 25.5% for ethnic minorities and

55% for those aged 15-25] and lack of investment in the area could denote the cause of violence and unrest, claiming that 'Money would neither buy trust nor racial harmony' and that any rebuking of this statement would inherently condone the violence of the events and equate those supportive of these ideas with criminals themselves.

As the dust began to settle on the now transformed streets of Brixton, then Home Secretary William Whitelaw commissioned a public inquiry to be headed up by Lord George Scarman, the terms of which were:

'To inquire urgently into the serious disorder in Brixton on 10-12 April 1981 and to report, with the power to make recommendations'.

As a part of the report, Scarman spoke to a cross section of individuals and groups to provide evidence, from the Commissioner of the Police Metropolis to community leaders in Brixton itself as well as the Commission for Racial Equality. By November the report had been finalised. Scarman had found that the riots were not in fact the debauched act of brutality that other members of Parliament might have had you believe and were in fact a direct result of the lingering resentment of a community that had been ignored for far too long. Scarman judged that the litany of complex political and socio-economic factors; recession, mass unemployment, a lack of investment in the community and racial disadvantage had in fact been responsible for the clashes, much to the disapproval of the government. Moreover, he reported that these issues were at the core a result of the chronic issue of racial disadvantage and that urgent action should be taken at that time to avoid the issue becoming ineradicable. From the testimonies of those in the Brixton community and the police data made available, Scarman found irrefutable evidence of the disproportionate use of the power to stop and search, highlighting the deployment of arbitrary roadblocks, imperious and illiberal violation of pedestrian freedoms, questionable sentencing and mass detention, with Operation Swamp '81 having resulted in 943 Stops, 118 arrests and 75 charges. It came to light that not only had the local community not been consulted about the conducting of the operation, neither had the local branch of Brixton police officers. The collapse in these essential lines of communication is yet another glaring fault regarding the issues of police/public relations, the former believing that they simply knew what was best without consultation. It was clear that the level of public mistrust in the authorities had never been higher and something had to be done to avoid a total systemic subsidence.

Scarman recommended a full suite of changes to the training of the police [advocating for de-escalation in an effort to avoid similar situations that had sparked the violence], the powers of enforcement of the law that officers were granted and affirmative action regarding recruitment and upwards progression. Despite all of the overwhelming evidence, Scarman denied the existence the fact of the police forces institutionally racist history and codes of practice, but did advise that going forward, positive discrimination regarding minorities inside and outside of the police force was a price worth paying in order to avoid further violence on the scale of the 1981 Brixton Uprising.

Even though Scarman denied the presence of institutional racism within the police force, his report does highlight a concern for the struggle that ethnic minority communities were facing under the heel of an increased police presence in their neighbourhoods, especially one that they felt was not there to protect them. The report advised for a reinvention of the relationship of the authority and the community rather than reform of the institution of policing. Recognising a potential source of discomfort as the lack of resources available to those living in Brixton; an absence of youth services, a lapse in employment, a scarcity in recreational facilities, Scarman highlighted the pipeline of unemployment-desperation-criminal activity, acknowledging that many of the people engaging in said activity simply had no means by which to obtain the benefits of a materialist society, a fact that the government had vehemently denied.

Scarman rendered the riots as having been an inevitable response to a lack of community input in policing. If the subjects of the law had no representation in it, what reason would they ever have to abide by or trust its enforcers? It is an undeniable truth that the laws designed to govern Britain had not been drawn up with a multi-racial society in mind.

In the face of the overwhelming evidence that the system was indeed stacked unfairly in favour of the police, Scarman refused to attribute blame for the riots to the police. While respecting the idea that there could indeed be some 'bad apples' in the crop, the ill-considered, immature and unwittingly discriminatory actions of a few could not reflect on the overall reputation of the police. The report denies that in any way the police could be used to enact racist or racially insensitive policies and that it would not only be anti-constitutional to act in such a way, but also besmirch the names of those senior officers whose job it was to regulate them. Scarman therefore concluded his report with the notion that despite the extreme response to them, autocratic methods of policing had to remain in place despite the violence they had wrought. Whilst the report speaks optimistically of finding a middle ground by which to operate, it undoubtedly falls in favour of supporting the status quo, with the police maintaining their position as their own regulators.

The Police Commission, Westminster and the media were begrudgingly accepting of the report, considering the less than veiled criticisms of the operations that they had historically endorsed. Home Secretary William Whitelaw in a public interview on the day of publishing the report claimed that the clear way to move forward and prevent further violence would be for the Brixton community to accept and assimilate the police, understanding that as public servants they are simply doing their jobs. Many believed that in fact that was the issue, the terms of their employment allowing for the continued oppression of marginalized peoples.

Despite the media circus, few of Scarman's recommendations were ever actually implemented. 'Hard' policing strategies continued in the area, with raids, stop and searches and arrests remaining a regular occurrence. It was of police opinion that



this effort would in fact generate trust in the institution and showcase their ability to 'get the job done' and prove that the disorganised body showcased during the riots was a thing of the past. To placate those who might criticise them for dismissing Scarman's recommendations entirely, a strategy of 'Soft' policing was also rolled out. This was the beginning of community consultation in policing as well as interaction with youth and race relation services.

For many this was very much a case of too little, too late. The conduct during the riots had elevated the concept of police conduct, law and order into the mainstream agenda. It was clear even to the most ardent deniers of racial inequality and discrimination that something must be done, whether or not it sought to address the lasting issue of racial disparity in England. Over the next three years, cross party debates recognised the need to answer the looming questions about when Scarman's advice to review the current system that the public were now bringing to them. While both Conservative and Labour MPs agreed on the need to support the police's power to act, disagreement arose from exactly how far reaching any changes should be.

These debates eventually formed the basis of the discussions which would initiate the commissioning of the Police and Criminal Evidence Act 1984. The Police Complaints Authority was also established in association with P.A.C.E as an additional method by which to restore public trust.

In spite of this, P.A.C.E has received just as much criticism as the systems that predated it. It remains an apparatus that was built on the foundations of a plethora of antecedents, designed to serve the few and continue the oppression of minority communities. P.A.C.E is almost entirely reliant on self-regulation of powers and conduct to justify their employ, essentially leaving the police with the ability to mark their own homework. As well as this, information on the specific P.A.C.E regulation is arduous to navigate and gain access to, to say the least and often feels arbitrarily strenuous to negotiate, a tactic historically used to dissuade potential viewers from investigating it. Whilst it is not to be dismissed that these legislative documents have to be legally watertight, it is equally important that at least the base principles that the public must adhere to be clearly presented and easily accessible.

In the face of the overwhelming evidence that Scarman had provided, knowingly or not, it would not be until 1999 after the publishing of the MacPherson Report in the wake of the murder of Stephen Lawrence in 1993, that the police as an organisation accepted their institutionally racist structure and began to make an effort to amend policies and protocols that had previously been willingly used to persecute minorities.

As it stands, in Brixton, you are thirty times more likely to be stopped by the police if you are from a black or minority ethnic background.

Post Scripture: As I continued to research the events of the Brixton Uprising, I came across accounts of the residents of Brixton in 1982, interviewed on the changes that had occurred over the last year. Many of the interviewees spoke about the ways in which the culture of policing had not changed, it had in fact worsened. The continued searches, raids and arrests had only widened the gap between community and authority. The resident Brixton beat officers spoke about the ways in which the once amicable relationship they had with the local residents had almost entirely been diminished. Their goals were simple. To begin again, with grassroots policing initiatives in order to re-establish trust in the work that they were doing. At the time of writing this, it is early May of 2021, a full forty years on from the events of the Brixton Uprising and the Mayoral candidates for London are repeating this same message; with officers needing to prioritise community policing and operations in order to quell the ever-present figure of crime. I wonder, in another forty or fifty years, will police officers and politicians be saying the same of the issues in the relationship dividing them and us? I wonder how some of those involved in the riots might feel about how even though the police claim to have changed, much about their conduct has remained the same. How many more years will this rhetoric be in circulation before someone is able to do something about it?

## WHAT EXACTLY ARE THE POLICE POWERS TO STOP AND SEARCH AND WHAT ARE THEIR CONDITIONS?

As previously established, the powers of the police in England and Wales are largely derived from the Police and Criminal Evidence Act 1984. This works in tandem with the Police Act 1996. This act seeks to consolidate previous iterations into a single document, those being: The Police Act 1964, Part 9 of the Police and Criminal Evidence Act 1984 and Chapter I of Part 1 of the Police and Magistrates' Court Act 1994 as well as several other smaller enactments relating to police conduct. The Police Act 1996 is divided into five parts covering;

The Organisation of Police Forces, Centralised Supervision, Direction and Facilities, Police Representative Institutions, Complaints and Disciplinary Action and Misc. [Concerning assault of an officer].

Both the Police and Criminal Evidence Act 1984 and Police Act 1996 define the powers of UK territorial police forces, given that other elite and special forces officers will conform to an entirely alternate code altogether. Police powers are granted to Constables, both full time and volunteer. In England and Wales, per the law, all officers are considered to be Constables – regardless of their official rank. PCSOs or Police Community Support Officers also have limited constabulary powers. Other positions granted similar constabulary powers are police civilian investigators and detention officers.

The base set of powers that Constables have that separate them from the general public are:

The power to detain people in certain circumstances, the power to stop and search people/vehicles in certain circumstances, powers of entry given the circumstances demand it, the power to seize and retain property in certain circumstances, the power to arrest people with or without warrant for any offence and in various other circumstances, [a significantly wider power than that provided to members of the public [often described as a 'citizen's arrest']], the power to direct the behaviour of persons and vehicles on highways and in other public places and the power to demand name/address and certain documents of anyone driving a motor vehicle on a public road.

These powers are bound to various legislation and are limited by the requirement of a clear reason as to why it was necessary to act in such a way, unless impractical or unnecessary due to the persons behaviour or unusual circumstances. The use of any of these powers is however dictated by the individual who is using them and even at the best of times, not allowing your personal biases to interfere with your work environment can be difficult. Constables have to acknowledge that they have a 'reasonable suspicion' that the individual they wish to search is going to, or has already committed an offence. This is not supposed to be a hunch or unparticularised suspicion, but something based on specific and articulable facts. Reasonable suspicion is derived from the 'reasonable person/officer' standard.

There are also a number of stipulations that can further extend the reach of police powers, such as Section 60 of the Criminal Justice and Public Order Act [also seen in sections 44-47 in the Terrorism Act 2000], which grants the police the ability to stop and search anyone in a designated area for a set time [usually a day but can be extended further should the situation demand it] without cause. Some reading this will be familiar with the usage of Section 60 during the 2020 Black Lives Matter protests as well as the far-right counter protests, during which Section 60 was extended over much of London. Before an officer is able to search an individual or their possession[s], should they be in plainclothes, they must identify themselves as an officer of the law and show a warrant card, or equivalent identification. They are also to state their rank, collar or warrant number, surname and the name of the station that they represent. As well as this they must also quote the legal power being used to conduct the search, qualify why the individual has been detained, the object being searched for, the grounds for the search and that a copy of the search form will be provided to them should they so wish for three months after the search has concluded.

What follows are the full conditions of *search without arrest* to be conducted by officers based on reasonable suspicion, including the Section and/or Act that they are from, where it can be conducted, what can be searched for and on what grounds. Each of these powers are given authority under P.A.C.E Code A. This information was provided on request by the Metropolitan Police Service.

Searches are classified under four different criteria. These are:

Animal and Game

Goods and other items

Weapons

Terrorism

## Animals and Game

### Section 2 of the Poaching Prevention Act 1862

An individual can be searched for any unlawfully obtained game [an animal hunted for food], or any gun, part of a gun, or nets or engines used for the killing of game. This search can take place on any highway, street or public place. An officer must have good cause to suspect the recipient of the search coming from any land where they could have been unlawfully in search or pursuit of game. Any person, or any person aiding or abetting another suspected of poaching, or any vehicle is applicable for search.

### Section 12 of the Deer Act 1991

An individual can be searched for evidence of the commission of an offence under the Act and the search can be conducted anywhere. An officer must suspect with reasonable cause that the recipient of the search has committed or plans to commit an offence under the Act. Any person or vehicle could be searched under this Act.

### Section 4 of the Conservation of Seals Act 1970

Any vehicle or boat can be searched if an officer suspects with reasonable cause that it has or will be used as an accessory to an offence committed under the Act. This search can be conducted anywhere.

### Section 11 of the Protection of Badgers Act 1992

Any person, vehicle or article can be searched by an officer under reasonable grounds of suspicion of having committed an offence under this Act. The officer will search for evidence of the commission of an offence under the Act or under the twin legislation, the Badgers Act 1973. This search can be conducted anywhere.

## Goods and other items

### Section 6 of the Public Stores Act 1875

Any person, vessel, boat or vehicle can be searched under this Act by a Metropolitan Police Constable, unless officers of other ranks/localities have been authorised. The constable conducting this search will have to have evidence that the individual, vehicle or location being searched is in possession of or has been in possession of stolen government property. This search can be conducted anywhere.

### Section 23 of the Misuse of Drugs Act 1971

Any individual or vehicle can be searched under the Act. An officer must have reasonable grounds to suspect that the person subject to the search, or a person inside the vehicle being searched is in possession of controlled drugs. A search can be conducted anywhere.

### Section 163 of the Customs and Excise Management Act 1979

Any vehicle, vessel or non-airborne aircraft can be searched if an officer has reasonable grounds to suspect that the vehicle or vessel is: carrying goods which are chargeable with any duty that has not been paid or secured, is in the course of being unlawfully removed from or to any place or is otherwise liable to forfeiture under the Customs and Excise Acts. This search can be conducted anywhere.

### Section 24B of the Aviation Security Act 1982

Any person, vehicle or aircraft, or anything which is in or on a vehicle or an aircraft is applicable for search under this Act. An officer must have reasonable grounds to suspect that they will find stolen or prohibited articles that are made or adapted for use in the course of or in connection with criminal conduct or intended by the person in possession for such use by another individual. A search under the Security Act can be conducted at any aerodrome [an airport or airfield].

#### Section 27(2) of the Aviation Security Act 1982

An officer may search any cargo area of an aerodrome which is a qualified airport. All vehicles or aircraft with the capacity to carry goods are applicable for search under the Security Act. Officers have no need to declare suspicion to undertake one of these searches.

#### Section 1 of the Police and Criminal Evidence Act 1984

Under the Police and Criminal Evidence Act, an officer may search any person or vehicle, or anything which is in or on a vehicle for: stolen goods, offensive weapons, knives or bladed articles, illegal fireworks, an article made or adapted for use in the course of or in connection with theft, burglary, taking without owner's consent, fraud or criminal damage. An officer must express reasonable grounds for suspecting that they might find any such items. A search under Section 1 can be conducted anywhere.

#### Section 7 of Sporting Events (Control of Alcohol etc.) Act 1985

An officer can conduct a search under this Act given that they have reasonable suspicion that the individual being searched is or has committing or has committed an offence under the Act. Offences under this Act include the possession of Alcohol or flares, intoxication on transport to matches or whilst in or attempting to enter a stadium or arena. Any person, public service vehicle [such as a Transport for London Bus] or train is applicable for search, which can be conducted anywhere.

#### Section 34B of the Environmental Protection Act 1990

An officer must have reasonable belief that an unlawful dumping offence has been, is about to be or is in the process of being committed. A search can take place anywhere. Any vehicle suspected of use to dump waste unlawfully is applicable for search.

#### Paragraph 7A of Schedule 4 of the Police Reform Act 2002

Paragraph 7A authorises a PCSO to search any person aged 18 or under for alcohol, or a container of alcohol, tobacco, cigarettes and cigarette papers should the CSO reasonably suspect it is in their possession. Paragraph 7A applies solely to PCSOs. The Police Reform Act designates PCSOs the specific powers of Constable. When ratified in 2002 however, this power was granted exclusively to Community Support Officers. This was circumvented by the fact that constables already had the necessary authority to conduct a similar search. Unlike most other searches conducted by constables, the individual being searched must consent to it. Failure to consent does however qualify as an offence, although a PCSO has no power to forcibly conduct the search.

## Weapons

#### Section 47 of the Firearms Act 1968

Under Section 47, an officer can search any person or vehicle if they have reasonable cause to suspect that the person is or vehicle is being used to conceal a firearm. A search can also be conducted under this Act if an officer has reasonable cause to believe that a person is going to use a firearm, or a vehicle with a containing a firearm to commit a crime. Other qualifying conditions for a search are an officer believing that a person is trespassing with a firearm, entering a property or lands that they don't have permission to be on or in. Should the individual already be carrying a firearm with the intent to commit an indictable offence and makes attempt to resist they may be subject to arrest. A search can be conducted in any public place.

#### Section 4 of the Crossbows Act 1987

An officer can conduct a search under Section 4 if they have a reasonable suspicion that any person who is aged 17 or under is in possession or was in possession of a or part of a crossbow. Searches can be conducted anywhere. A stipulation for this type of search is that it excludes any person who is or was under the supervision of anyone aged 21 and over.

#### Section 139B of the Criminal Justice Act 1988

Any person currently present on a school premises and any space contained within is applicable for search under Section 139B. An officer may conduct a search if they have reasonable grounds to suspect that a person is or has been in possession of an offensive weapon or object with a sharp blade or point on the premises. As well as an officer having the authority to conduct a search on school premises, the teacher in charge of the school also has the power to search anyone on the site as well as any private spaces [lockers and desks]. They are also able to delegate this responsibility to other staff members.

#### Section 60 of the Criminal Justice and Public Order Act 1994

Section 60 authorises an officer to search anyone, anywhere [within a specified area and on the order of an officer ranked Superintendent or higher] if permission has been given. They have no need for suspicion as the use of Section 60 indicates that there is already documented suspicion of an imminent threat to public safety. Any pedestrian and anything carried by them as well as any vehicle, its driver and any passenger are applicable for search for the duration of their time in the area covered by the Section 60 order.

### Terrorism

#### Section 43 and 43A of the Terrorism Act 2000

An officer can conduct a search of any person, anywhere if they have evidence to suspect that they are or are intending to commit a terrorist act. Under Section 43A, they may search any vehicle, including the driver, passenger and anything in the vehicle or carried by the vehicle or a passenger if they have evidence to suspect that that vehicle may be used for the purposes of terrorism or one of the people present is a terrorist.

#### Section 47A of the Terrorism Act 2000

Under Section 47A, an officer may search any vehicle, including the driver, passenger and anything in or on the vehicle or carried by the driver or a passenger. As well as this any pedestrian and anything carried by them is also applicable for search. The officer must have evidence that the vehicle is being used for, has been used for or is planning to be used for an act of terrorism or the person being searched is a terrorist. Section 47A can only be enacted if authorisation has been given under that section by a ranking officer. Similarly to Section 60, there is no need to ascertain suspicion as usage of Section 47A indicates a clear and present danger could be imminent.

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When someone has been arrested, the powers police have to search them escalate, especially if the arresting officer has reason to believe that they present a danger to themselves or others. A constable has the power to search an arrested person for anything they might use to assist them in escaping from lawful custody or which could be evidence in relation to an ongoing offence. This power is granted to both Constables and PSCOs by Section 32 of the Police and Criminal Evidence Act 1984. A constable may also search a person arrested under Section 41 of the Terrorism Act 2000 to discover whether they might have anything in their possession that might lend credence to the suspicion that they are a terrorist.

When someone has been detained, responsibility falls to the Custody Officer to record all items in their possession to the extent that they consider it necessary to do so, but are not permitted to conduct anything more than a surface level search [exterior clothing and pockets only]. A Custody Officer is permitted to make seizures of property, but is only able to do so if they believe the detainee may use them: to cause physical harm, damage property, interfere with evidence, facilitate an escape or has reasonable grounds in suspecting that they may be concealing evidence relating to an offence.

An Inspector has limited powers to order the searching of a detained suspect. The conditions of search rest upon the need to identify the identity of the person, by discovering unique or personal identifiers, like a tattoo or a scar. In the event that a search requires further qualification of details and the removal of the detainees clothing, P.A.C.E Code C is referred to, as a means to dictate protocol. P.A.C.E Code C contains information relating to conduct of intimate searches.

An Intimate search is the searching of bodily orifices, except the mouth and can only be conducted by a suitably qualified person. If this is not possible, it must be conducted in the presence of two other witnesses. An intimate search must be approved by someone ranked Inspector, or higher and can only be solicited in a set number of circumstances.

The Inspector must believe that: the detainee has concealed on their person anything that they could use in detention or custody of the court to cause physical harm to themselves or others and that the article in question cannot be found unless the detainee is intimately searched. Consent is not required for the search to take place and assuming that the inspector has the correct authorisation, appropriate force may be used to facilitate the search. P.A.C.E Code C states that this variation of a search in custody can take place in a Police station, hospital, surgery or other medical premises.

or

The inspector must believe that: the detainee has a Class A substance concealed on them, that the detainee was in possession of the substance prior to their arrest with intent to illegally supply or export it and that it could not be found without an immediate intimate search. Consent is not required for the search to take place and should the detainee refuse, proper inferences may be drawn, however, force is not to be used. This variant of a Code C search can only take place in a medical premises such as a Hospital or surgery.

## STOP AND ACCOUNT V. STOP AND SEARCH

For many people, including myself, it can be difficult to judge whether you are being engaged by an officer for a stop and search, or a stop and account, given how similar the conduct for both experiences is. Relative to the history of policing, the stop and account is a very recent addition to police protocol. Recommendation 61, introduced as a result of the Stephen Lawrence Inquiry, is not a statutory power granted to all Constables, in the same way that stop and search is and specifically applies to pedestrians in public places. Police have no power to force anyone to conduct a stop and account, meaning that if engaged, you have the right to not answer questions, remain silent or attempt to walk away. The decision to conduct a stop and account and request a pedestrian to answer their questions is at the discretion of the officer.

For a stop and account, there are no actual prerequisites for an officer to meet, other than identifying themselves as one. They have no requirement to tell someone that they have stopped why they are being asked to account for themselves or to inform them that they have the power to leave without answering any questions, another blatant example of the police using the lack of legal knowledge that the average person has against them. As well as this, since the policy of stop and account is considered a recommendation for conduct rather than an official power, per the Home Office, the College of Police have no obligation to record any information about the stops other than the fact that they have happened. They also have no obligation to keep track of how many stops happen, where or when and are again not obliged to disclose any of this information if it is in any way stored. This means that there are no publicly released statistics on the number of stops, or those based on age or ethnicity, which could give rise to the idea that it is an inherently biased form of power.

When asked, the Metropolitan Police explained that they have four set questions that make up a stop and account. Those are:

*What are you doing? Why are you in the area? Where are you going? What are you carrying?*

They also added in their statement that: *A police officer or police community support officer (PCSO) does not have the power to force you to stay with them if you are stopped and asked for your actions.*

Given that stop and account is a voluntary act and there is not formally set script, it is not beyond reasonable doubt that different police forces would have different methods to conduct and document their stops, further exacerbating the issue of the general public not knowing when they are being engaged in one. The Metropolitan Police said after the Stephen Lawrence Inquiry had concluded and the recommendations made public, that they were already unofficially and informally conducting stop and accounts, but that they had found the process to be 'a barrier between the police and the community' and as such no records were kept.

It is arguable however, that without recording at least all statutory stops, police forces render themselves incapable of fulfilling their duties under the P.A.C.E Code of Practice to monitor and supervise the use of stop and search powers. There is nothing in the Code of Practice to indicate that these requirements do not apply to statutory stops, where the person concerned is detained and therefore potentially subject to the use of reasonable force, even though no search subsequently takes place. Stop and account lacks both transparency [because the person stopped is not required to be told that the stop is voluntary] and accountability [because of the lack of guidance on when officers may or may not be justified in employing the procedure and the lack of records on its use]. Given the importance of both transparency and accountability in contributing to the public's trust and confidence in the police, the widespread use of stop and account as currently practiced is a matter of serious concern. This is particularly so, given the policy of the Metropolitan Police that, even where grounds for conducting a statutory search exist, officers should normally use a stop and account instead. It may be that the intention behind this policy is to promote the use of informal interactions between officers and the public, rather than using formal legal powers. However, it can also be seen as a 'police ploy' to circumvent some of the legal limitations [and protections for the public] attached to the use of statutory stops, such as the bar on detaining a person and questioning them in order to discover grounds of reasonable suspicion to justify a search. Stop and account as a practice forms part of the pipeline that enables the police to conduct stop and searches. Given the idea that a stop and search is predicated by the formation of reasonable suspicion by an officer, and an officer is the only judge of said suspicion, it would make sense to assume that an officer could use the stop and account process to enable them to conduct a search. Giving the police a full remit to be the judge and jury over their own conduct without fear of external review is certain to be a recipe for disaster.

Statistically, the process of stop and search is massively ineffective. According to the Journal of Criminology, a fluctuating average of between 76% and 80% of all searches conducted lead to no further action and only seek to widen the divide between the police and the public and drive public opinion towards the negative. Being stopped when you know you are not in the wrong and questioning the position of the police often leads to critics citing the classic 'if you have nothing to hide, then you have nothing to fear', but the issue runs far deeper than that. When a large portion of the population is simply not targeted with these strategies, how could they possibly understand how it feels to be subjected to them? When these rules and legislations and bills are pushed through, just how many of the people that they are going to affect are consulted?

## WHAT TO DO WHEN ENGAGED BY AN OFFICER

Being confronted by the police can be a stressful and unsettling experience. Regardless of if you've experienced this just once or a hundred times, there are always things to learn about the process in order to navigate it in a way that preserves your personal wellbeing, privacy and integrity as best as possible. I have attempted to break down the process of being stopped by the police in as clear a way as possible, so that if you are in the unfortunate enough position to be engaged, you are as prepared as possible. No list can be entirely exhaustive, but I have covered all the areas that I think you could encounter, having been put in this situation.

### I. The Right to Ask Why

Part of the agreement that an officer makes in order to use their constabulary power is that they must declare to whomever that they are stopping the exact powers, Section or Act that is being utilised. There are 19 variations of this that you can be stopped under without arrest. These are:

Section 2 of the Poaching Prevention Act 1862, Section 12 of the Deer Act 1991, Section 4 of the Conservation of Seals Act 1970, Section 11 of the Protection of Badgers Act 1992, Section 6 of the Public Stores Act 1875, Section 23 of the Misuse of Drugs Act 1971, Section 163 of the Customs and Excise Management Act 1979, Section 24B of the Aviation Security Act 1982, Section 27(2) of the Aviation Security Act 1982, Section 1 of the Police and Criminal Evidence Act 1984, Section 7 of Sporting Events (Control of Alcohol etc.) Act 1985, Section 34B of the Environmental Protection Act 1990, Paragraph 7A of Schedule 4 of the Police Reform Act 2002, Section 47 of the Firearms Act 1968, Section 4 of the Crossbows Act 1987, Section 139B of the Criminal Justice Act 1988, Section 60 of the Criminal Justice and Public Order Act 1994, Section 43 and 43A of the Terrorism Act 2000 and Section 47A of the Terrorism Act 2000

This may appear like a large number of stipulations that you may have to remember when being stopped, but as already stated, many of them require very specific circumstances to meet to qualify a search. The sections that you may want to remember or become familiar with are Section 23 of the Misuse of Drugs Act, Section 1 of the Police and Criminal Evidence Act, Section 47 of the Firearms Act, Section 139B of the Criminal Justice Act, Section 60 of the Criminal Justice and Public Order Act and Section 44 of the Terrorism Act. It is in your interest to ask an officer what powers they are using to identify exactly what you can and cannot do and vice versa for the detaining officer so that the limits of your liberty and their powers to impede it are clear.

### II. Reasonable Grounds for Suspicion

To be able to stop you, an officer must declare the reasonable grounds on which they had suspicion under one of the aforementioned Sections or Acts. They must have a genuine and solidly founded belief that they will find the object in question in your possession. The suspicion that they have regarding the discovery of the object must also be reasonable and objective, so as to stand up to questioning, should it reach that point at all. You have the right to ask the officer for the grounds of suspicion if they have not declared them to you. If this suspicion is not based in objective fact or intelligence-led evidence, the conditions of the search may be invalid. This is defined clearly under P.A.C.E Code A.

### III. Right to Know an Officers Details

When being stopped it is an officer's duty to identify themselves as a representative of the law and show you identification substantiating this, even if they approach you in plainclothes. There are two main interchangeable variations that qualify as identification. This could be the officer's collar number or a warrant card. The information you can ask an officer for does not end there however. You also have the right to ask them what their allocated station is and what they expect to find, what the reason for the search is, what the legal backing for the power to search is and where a record of the search can be obtained once it has concluded. Usually, record of a search is held by the police for three months and then disposed of.

### IV. Duration

The police only have the power to detain you for what is considered to be a short and reasonable period. This is set at around four minutes.

### V. Answering Questions

When stopped you have the right to remain silent, unless a new use of powers is stated. For example, if the detaining officer had quoted Section 23 to you but the situation changes in the area of the search and Section 60 is authorised for use, you would be legally obliged to answer any questions the officer asks. Whilst you have no obligation to answer any questions



asked of you, not doing so could lend credence to the officer's suspicions towards you and be a cause for further questioning or even arrest.

## VI. Variations of Stop and Search

There are three primary variations of a stop and search that an officer might conduct, all pertaining to various degrees of increased severity of suspicion. The first is the 'Superficial Search'. This is the most commonly used process and the one you are most likely to be asked to engage in. A superficial search is conducted on any outerwear on your person. This includes your coat/jacket, gloves, pockets to collars and shoes. An officer will conduct this type of search by placing a hand inside the aforementioned area and carefully feeling around. This variant of search can be conducted anywhere.

The next variation of search is the 'Thorough Search'. This entails the removal of some items of clothing, like a shirt, but not all. A thorough search must be conducted out of public view and the subject must be offered the opportunity to be searched in a secure location, such as a registered police van [not a car or cruiser] or a police station. The subject of the search must also be offered the opportunity for someone of the same gender identity to conduct the search. The final variation is a 'Strip Search'. A strip search could require the exposure of intimate body parts, so must only be conducted in a secure location like a police station or medical facility. Police vehicles are fully excluded from this variant of search. The same accessibility rules for the thorough search apply here. As well as this only an officer that is ranked Inspector or higher qualify to be able to enact this degree of search

## VII. Treatment by an Officer

According to P.A.C.E Code A, you have the right for any search conducted on you to be conducted with care, consideration and respect. Remember, it is the officer's duty to prove that you have done something wrong, not yours to prove that you are innocent. It is often best to act in kind towards the searching or detaining officer as resistance can often be a path to further action that they may not have been considering.

## VIII. Right to Confirm Your Condition

When subject to a stop and search you have the right to confirm that you are not in fact under arrest. In accordance with point IV [Duration], a stop and account or stop and search is designed to be a relatively quick process, avoiding the need for the lengthy negotiations involved in an arrest .

## IX. The Right to Record Your Interaction with the Police

In the age of technology we are currently in and with the instant access that many of us have to a camera phone, recording your interaction with the police can often be and is usually conducted as a measure of safeguarding oneself, coming to terms with the situation or analysing the interaction in order to better understand your own or the officers behaviour and you are fully empowered to do so. However, recording the interaction can also come with a heavy penalty.

In the unlikely event that something goes wrong in your interaction with an officer, your recording transitions from being private property to evidence and whilst in some cases you can use this to your favour, the officer could potentially use it against you, citing your behaviour as inflammatory or uncooperative and justifying their actions.

## X. The Results of a Stop and Search

Whilst it is no consolation considering the embarrassment and distress they can cause, the majority of stop and search interactions result in no further action. I am in no way attempting to defend the power that the police have to conduct a stop and search and intimately understand what it means to say that you should grit your teeth and take it to placate the officers power trip, but often this is the best and most favourable outcome.

About 80% of all searches result in no further action, meaning that it is extremely likely that in assisting the process you are helping yourself to get away from it far more expeditiously than if it were in any way hindered. On top of this, in 2020 the Home Office reported that arrests from a stop and search fell from 16% to 13%, meaning that in all likelihoods you are incredibly unlikely to see any further action.

## XI. The Right to Complain

Once the search has concluded, you have the right to report the interaction if you feel that it has been conducted outside the remit of the officer's power. This means that if you believe that the search was conducted based on a biased assumption, generalisation or in a discriminatory manner, it could be invalid. This could be the police officer having claimed you have a history of misdemeanours or previous convictions, due to your race, sex or age, the way you dress or present yourself, to obtain information on somebody else or to disperse a gathering. A complaint can be submitted in a number of ways, either in person at a police station or online via the police, National Crime Agency or Independent Office for Police Conduct websites.

## THE IMPACT OF STOP AND SEARCH

In an effort to further understand the very real effect that stop and search has had on the minority communities, I have gathered the testimonies of five individuals who have been subject to the process. These individuals are from different generations, postcodes and backgrounds but now all share a common thread, the violation of their bodies and their privacy at the hands of the authorities. Each of the interviewees were asked a loose framework of questions, but were encouraged to recount their experience in whichever way they felt most comfortable.

The questions were:

What is your name/age? How many times have you been stopped and searched? What is your experience with stop and search procedures? Do you think the police are using this power correctly? What do you think should be done to change the process?

In the interest of privacy, the names of these individuals have been removed.

In the interest of continuity and consistency, the testimonies have been slightly amended in order to read/translate as clearly as possible.

My name is [REDACTED], I'm 28 years old and I've been stopped and searched about eight or nine times. It kind of gets countless after a while to be honest with you. It's just something that just happens, like ah I got stopped and searched today, oh is it swear down what happened, ah ok and then and you just carry on talking about something else. The first time I got stopped and searched was when I was about 14 playing out on the estate in Brixton and police, the police were just on foot, they just came up to us and said they want to stop and search us. All of us had to stand up against the wall and they threatened us about running away and um yeah there was no level respect when they did it, we just stood there watched each other get searched and emptied out our pockets, got frisked front and behind, you know top to bottom. Nothing was explained to us they just done it because like I said, we were fourteen years old, we looked vulnerable, we were just playing out, so how I felt at the time were just scared open don't get in trouble by my mom cause I wanna come out and play out tomorrow after school.

I do have faith in the police, yeah I do, because not all police are *insert aggressive word here*, but they are actually like doing their jobs. There are cool ones that know how to deal with it, but a lot of officers are not trained on how to deal with human beings. Obviously, you have to respect that they're doing their job, but there's a way you do a job init and yeah most of them that are put out to do just open searches yeah, they're not doing their job correctly, you gotta come correct.

There needs to be more projects to give people, the youth, ambition. If you're not gonna play sport or do music then it it's looking kinda less hopeful for you on ends init, but there's so much more than that out there.

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My name is [REDACTED], I'm 32 and I've been stopped and searched at least twenty to thirty times in my life. They start by explaining we've had a lot of these incidents in the area and I've heard that over and over and over again throughout my whole life. At first when they stop you, they try to have that sort of good cop bad cop approach, where one of them will try to be sort of the friendlier version like 'okay so I'm going to let you know we're going to be doing this these sorts of crimes are happening the area' and they're asking questions. You start to question yourself like okay what was I doing, where am I going, to ok why do I need to tell you what I'm doing?

Generally, the young people I work with, I tend to find they don't have trust in the police, even where it's mostly the males that are getting stopped and searched, the girls would tell me about you know how they see their boyfriends or brothers, older brothers etcetera siblings getting stopped.

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My name is [REDACTED], I'm 25 and I've been stopped and searched so many times, I can't remember how many. The first time I got stopped and searched I was around 11 years old, 11-12 years old. A lot of the times when I was stopped and searched as a child the police would say it's because there's been robberies in the area, but they wouldn't tell us a description that we fit, except for probably being black and wearing urban clothes. Other times they would just harass us, you know strip search in the back of the van, you know touching certain places that they're not really meant to - legally - now I understand, not legally allowed to do so. They used to really take advantage of our lack of knowledge on the law and a lot of us just thought that because they're police, they're allowed to do anything they want.

Anytime I see police I get an uncomfortable feeling. Never comfortable with the uniform, with the car, like just not comfortable. I just know that they are not they're not here to protect and serve me. They're not here to work for me, they got no interest in me as far as I'm concerned. If the police officers are wearing bodycams and the bodycams are active and they cannot turn them on or off, I'd feel a little bit safer, because right now the police can control their own body cams, so if they really want to do something then it doesn't have to be filmed. I'm just hoping that my phones got battery, should be

because I've got something that could maybe protect me. I can go live and they might not be able to do as much as they could with just me on the roads. Say they brutalise me and then I'm saying yeah this officer done this and the officers saying the opposite, I know in a court of law, unless I've got camera evidence their word is always gonna be taken over mine. It can sometimes turnout to be horrific, the outcomes. There was this boy named Terrell whose picture went viral on the internet and the police in a in a stop and search smashed his face against a chicken shop window and he may be on medication for the rest of his life.

I feel like investing in the youth, investing in their future, that is the key you know what I'm saying? Rather than just random stop and searches. I feel that stop and search itself it doesn't actually deal with the issue of knife crime because knife crime, it's a mentality issue.

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My name is [REDACTED], I'm 14 years old. I've been stopped in search once when I was 13. Me and my friend was walking down the street and an undercover officer, who wasn't wearing any clothing that showed he was an officer, grabbed me. So, at the time I thought it was the kidnappers that were trying to kidnap people, so obviously I was really scared for my friend. I now know that you're meant to show your permit to let us know that you're police and that you're gonna do a stop and search.

I don't know where they get it from, but in their mind as soon as they see a black man or a black boy they think he's a criminal and he's gonna hurt me, he's gonna hurt somebody. So instantly they start defending themselves for something that they don't even need to defend themselves from, because I'm not gonna hurt you. We're just trying to get along with our day, we're just trying to do what we're doing. We're just trying to live our lives, get back home just like you're trying to get back home.

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My name is [REDACTED], I'm 24 and I've been stopped and searched over four hundred times. Even up to today, they still use the same language; that there's reports of robberies, you match a description, just like that, that's their reason basically. When they target from young and you've done so much when you were young, it's like they don't wanna let that go - so they will always try see your movements, pree your movements, see where you go what you do and when you're doing certain things. You're more likely to get stopped and searched if you are wearing a tracksuit to be honest because they think every person wearing a tracksuit is a drug dealer or something, so they will target you, that's why I think that's my opinion anyway.

Personally, I don't like police but there are good police out there. There are good ones, there's bad ones, there's corrupted ones, a lot of them are corrupted. This is why they got a bad name. A lot of people don't like them because they do a lot of stuff behind closed doors that's not in the media. I've been a victim of brutality via the police before. They've done that to me. They put me in the back of a van and punched me up and hit me. Police are higher on the on the on the straights yeah - and being from the streets, making an allegation you're just no one, you're no one, so you tell me how that's meant to change.

I don't feel there's anything to be done to be honest. I'm trying to think what they could do to change things and honestly, I've got nothing. Too many years of the same shit. Unless they change the whole system, it's always gonna be the same.

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It is clear from the account of these individuals that there are common errors being repeated time and time again that are nurturing the lingering atmosphere of distrust concerning the police. Each of them recount being made to feel less than, othered, debased and diminished. Stop and search is a sophisticated and intricate police tactic being implemented as a blunt tool, which is traumatising rather than protecting our communities. Far too often, officers are entering the engagement of a stop and search and disregarding their own P.A.C.E agreements, failing to treat a suspect with equality until they have been proven to be in contravention of the law.

With the issue of the abuse of power continuing to disenfranchise our youth, I wonder how appropriate it now is for Priti Patel, the Home Secretary to currently be pushing for a Bill [Crime, Punishment, Sentencing and Courts] that would empower the police to follow up on individuals that had previously been subject to the justice system, either through conviction or imprisonment and use this as a basis to ignore suspicion in order to conduct stop and searches. To me this is little more than the legal backing for a process that is clearly already being implemented and another way by which to avoid the process of accountability for our justice system, according to which it is easier to continually harass someone who may be trying to better themselves instead of helping them.

## AN ALTERNATE TAKE

In the interest of fairness, I reached out to the Metropolitan Police to ask for a comment on the issues and questions that were beginning to arise due to my research into the history and processes of stop and search as well as stop and account.

The email correspondence was as follows:

EP: To whom it may concern,

My name is Ellis Parkinson and I am an artist studying at the Slade School of Fine Art. I am reaching out to you today to enquire about a project that I am currently researching for regarding stop and account as well as stop and search laws/regulations and how present they are in school environments. I would like to consult with the regulators of this policy as I feel as if it is important to build a full picture of the situation. I would also like to correspond with officers at different ranks as a part of this. I feel as if this could be a good opportunity to provide a clear image to the public as to the extent of these operations and how they are conducted. If you have any further questions regarding this project, do not hesitate to get in contact with me.

Kind Regards,  
Ellis Parkinson

[REDACTED]: Hi Ellis,

Sorry, due to the number of press queries we get, we are only able to deal with enquiries from qualified journalists.

EP: Hi [REDACTED],

Thanks for getting back to me, could you direct me to somebody who might be able to help me with my request?

Kind Regards,  
Ellis

[REDACTED]: Sorry Ellis this isn't going to be something we can help with. We only deal with requests from news organisations and about issues specific to the Met. There is plenty about stop and search on the Met website. I'd urge you to look there in the first instance.

Thanks,

[REDACTED]

Dissatisfied with the way in which I had been dismissed by the Police representatives, I decided to rework my approach. I considered continually pestering the outreach service until they answered, or potentially reaching out to an organisation that they recognised and wouldn't or couldn't dismiss, but both would take far too long. What about a false identity associated with a reputable source? Probably best not to falsify your identity and then submit it to the police. I decided that the best way forward would be to revise the proposition entirely. I began the process of reaching out to independent officers with the hopes of one accepting the proposal and after several attempts, one responded, willing to be my representative for the opinions of the police force.

The interview had a loose framework of questions, but the interviewee was encouraged to answer as freely as possible.

EDIT: THIS INTERVIEW HAS UNFORTUNATELY BEEN PULLED FOR AN INDEFINITE PERIOD DUE TO CONCERNS BY THE INTERVIEWED PARTY. THE MISSING MATERIAL WILL BE RECTIFIED IN FUTURE PUBLICATIONS.

## SCREENING CULTURE

Over the last ten to fifteen years as technology has advanced, so have police tactics with it. Many will now be familiar with the so called 'intelligence-led' placement of arches or officers stationed with metal detecting wands in our communities, on our commutes and at our celebratory events. With the public having adapted to the stale tactics of stop and search and boots on the ground beat officers, the police decided that the best method by which to move forward with was the technological one. With companies like SCANNA foaming at the mouth for government contracts, the police had easy enough access to top quality security equipment, previously reserved for airports and high-profile events. With the introduction of screening technology, the police had yet another tool in their arsenal that does not only interfere with, but directly contravenes some of the principles they stand by. The labelling of the arches as 'screening' technology rather than weapon identification or searching tools is a purposeful one. This was done so that the process of passing through an arch would not constitute a search and therefore the same rules would not apply.

According to the Standard Operating Procedure for use of screening technology by the police: Screening serves the joint purpose of detecting those carrying knives and other weapons whilst affording reassurance to communities that the Metropolitan Police Service is doing all that it can. Screening arch operations also provide a unique opportunity for personal interaction with the community, and it is recommended that the MPS does not overlook the positive benefit to community relations that such operations present. In order to maximise the public reassurance that such operations provide, careful consideration should be given to appropriate media strategy. The desire to promote the positive action that the MPS is taking to tackle weapons related crime must be balanced against the impact of press interest on those members of the community who agreed to be screened.

Even from their introductory statements, it's clear just how much of a tool of propaganda that searching, and screening equipment can be. They provide the façade of a tool of safety, the mere sight of an arch acting as a boldfaced deterrent to anyone who is concealing contraband or weapons, as well as the idea that the police intervention in your community is making a difference. It is abhorrent that the adoption of new technology simply allows officers to ignore their own laws and bylaws and in doing so contradict and violate your rights. The idea that they have allowed the technology to exist in a grey area considering its relationship to a search says all you might need to know about the relationship that the police truly want to have with you.

Initially brought in during the aftermath of events like 7/7 and then quickly disseminated as a method of prevention of smaller crimes, screening arches have quickly become a method by which police can paint particular communities to be perpetrating behaviour that is contrary to the law. Take for example the public events that they choose to install them in. In 2019, two of London's biggest public events, Pride and the Notting Hill Carnival received two vastly different responses from the police. Pride, the event taking place at the beginning of the summer had a minimal police presence and there are no reports or publications citing the installation of crime prevention measures such as screening attendees for offensive weapons or illegal substances. Officers were encouraged to take part in the festivities in order to show that the police maintain a friendly and welcoming face regarding issues of gender and sexuality.

Quite oppositely, the Notting Hill Carnival which takes place at the close of the summer received the reverse approach. Before the event had even begun, the organisers had to make statements regarding the police involvement and the use of screening technology was widely publicised. Officers were told not to engage in the festivities as the conduct of celebration and merrymaking was not considered appropriate since they were supposed to be working. Considering that in 2019 it is estimated that between 1.5 and 2 million people attended Pride and around 2 million people attended the Carnival, the threat level should have been assessed similarly? I cannot imagine many other reasons than the perceived demographic attendance of both the events that might have driven the police to have acted in such polar opposite ways towards the events. Perhaps to the corporate backers of events like Pride, an overwhelming and active police presence may prove less fruitful for profits?

When organisations like the police get to pick and choose who is to be subjected to scrutiny and the disparity in treatment becomes more obvious, you could begin to wonder just how many other decisions are made on similar biases? How many other people have faced unjust perusal of their spaces because predisposed thought and suspicion could not be separated from the much less fruitful but apposite truth?

## THE WIDER REACH OF SCREENING

After my own experiences with the process of stop and account, stop and search as well as screening, I began to consider further which other organisations had been empowered to assess me as a potential threat or that I had empowered without any knowledge of having done so. An area that I have already been critical of regarding the inclusion of police and militaristic style security measures in school environments and have previously raised concerns about how this could not only affect children as they grow up, but also adults unfamiliar with security measures targeted towards them, even leading them to harbour resentment towards the same people who claimed to be violating their privacy in order to keep them safe. My research led me to several documents written by and on the behalf of the police that dictate not only how and where to use a screening arch, but also how to convince others to act against their own interests in order to assure a collective safety.

To me one of the areas that this attitude had become hugely pervasive was in schools. Before even considering the normalisation of police intervention in the school environments, there is the issue of the diluted police powers that schoolteachers have been granted by the Department for Education. The headteacher essentially has a similar form of authority to a police constable. They are granted the statutory power to search pupils or their possessions, *without consent*, in a circumstance in which they have reasonable grounds to suspect that the pupil is in possession of a prohibited item. Prohibited items are:

Knives or weapons, Alcohol, Illegal drugs, Stolen items, Tobacco and cigarette papers, Fireworks, Pornographic images,

Or any article that the member of staff reasonably suspects has been, or is likely to be, used:  
to commit an offence, or to cause personal injury to, or damage to the property of, any person (including the pupil).

As well as this a search can also be conducted to obtain any items that the student may have which are in contravention of the school rules. This is a somewhat conflicting stipulation, considering that the people that are conducting the searches are also those responsible for making and enforcing the school rules. But the power to search any individual student without their consent does not stop at the Headteacher. Any member of school staff can be empowered to conduct a search and the school nor the headteacher have any obligation to provide any formal record of authorising or granting this power. Training for the use of this power is entirely optional and is at the discretion of the headteacher to give or arrange it. The power to search a student can also be granted with stipulations, such as limitations on what the staff member could search them for, but again, this is an entirely optional measure.

In the same way that the police are to be responsible with their use of power, so are teachers supposed to, only acting in a situation in which there is genuine and founded suspicion of possession of contraband or the intent to cause harm. Students are protected by Article 8 of the European Convention on Human Rights and are entitled to their own privacy and have a right to expect that this is respected by staff, even if they are suspected to have broken the rules; a similar relationship that the police have with the public under P.A.C.E Code A. This right to privacy is however not absolute and if the contravention of the rules is great enough Article 8 is able to be dismissed. Again, students can expect certain safety measures to carry over from the police protocols. Such measures are for searches to be conducted in a safe and secure location and by a staff member of the same sex. Whilst these conditions are to be met where possible, searches can be conducted anywhere that the member of staff has lawful charge of a pupil, meaning that searches off of school premises are also an option.

Teachers are empowered to conduct a 'Superficial Search'. A superficial search is conducted on any outerwear on your person. This includes your coat/jacket, gloves, pockets to collars and shoes. This type of search is performed by placing a hand inside the aforementioned area and carefully feeling around. This variant of search can be conducted anywhere. When conducting a search and encountering an electronic device, the teacher is within their rights to seize, examine and peruse all of the files or data held within and dispose of them as they see fit.

This attitude extends to the ability the school has to conducting screening measures. Schools can require that pupils are screened or pass through screening arches regardless of a lack of suspicion and without their consent. Schools' statutory power to make rules on pupil behaviour and their duty as an employer to manage the safety of staff, pupils and visitors enables them to impose a requirement that pupils undergo screening. Any member of staff is able to conduct a screening of students, regardless of authority or consent. This mirrors the police methods of spinning this power, given that screening does not constitute a search by the standard definitions, it is not subject to the same levels of scrutiny or permissions. Pupils that refuse to be screened can be refused entry. As Schools are to conduct safeguarding to the highest possible standard this means that they are permitted to make screening a condition of entry. In doing so, any student that fails to comply with the screening measures is sent away and the unauthorised absence is reported as truancy. In the same way that a stop and account is not technically a power, but non-compliance can lead to further action, the idea that screening has a pseudo-optional system of consent that could lead to further serious consequences for the pupil involved should they decide that they are uncomfortable with it for whatever reason is somewhat sinister.

Schools are not required to have formal written consent from the pupil for any form of search, it is enough for the teacher to ask the pupil to turn out his or her pockets or if the teacher can look in the pupil's bag or locker and for the pupil to agree. Often written into the terms of entry or admission, a school can make clear in their school behaviour policy and in communications to parents and pupils what items are banned and therefore even though they are not asked on a case-by-case basis, permission is assumed based on the student's admission and continual attendance. A pupil refusing to co-operate with such a search raises the same kind of issues as where a pupil refuses to stay in a detention or refuses to stop any other unacceptable behaviour when instructed by a member of staff – in such circumstances, schools can apply an appropriate disciplinary penalty. On top of this, the teacher responsible for the search is only advised to inform the student's parent or guardian that they have found contraband in their possession, there is no legal requirement for them to do so.

There is currently no system of accountability for staff that abuse or violate their use of power towards a student; they are fully justified to and supported in their use of the power to search a student even if they are found to be innocent, with the suspected contraband items not being in their possession at all or found later to have been owned by them, in the case that they may have been stolen. Of course, any student is within their rights to complain about their treatment but given the disparity in the power dynamic between a teacher and a pupil and the lack of knowledge that a student is undoubtedly likely to have on a topic such as this, the likelihood that they will be able to see the process to its conclusion either through due to an insufficiency in comprehension or support is almost certain.

The current system of conducting searches or screenings within schools appears to be one that is asking to be abused, if it isn't already happening. The fact that there are so few barriers or checks that teachers must pass in order to exist as degenerated police officers is frankly astonishing. The fact the government is so willing to endorse the militarisation of a profession that couldn't be any more distant from it speaks volumes to the type of attitudes they wish to foster within our youth.



## THE FREEDOM OF INFORMATION

In order to retrieve some answers to the questions that I had regarding the powers of police as well as their relationship with schools, I began the process of exploring my right to demand they provide information and statistics on their activities. Already somewhat familiar with the process, I decided to submit Freedom of Information requests to the Metropolitan Police. After the receipt of a Freedom of Information request, the addressee has a legal obligation to respond within twenty days. They may not submit all of the information, as is the case here, and at times it can feel like drawing blood from a stone, but I am determined to continue pressing the institutions that govern and execute the law in our name until parity is achieved across the board and will continue to do so for as long as it takes.

What follows are the Freedom of Information requests that have received an official response as of the 29<sup>th</sup> of May 2021



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Your ref:  
Our ref: 01/FOI/21/018778

09/04/2021

Dear Mr Parkinson

**Freedom of Information Request Reference No: 01/FOI/21/018778**

I write in connection with your request for information which was received by the Metropolitan Police Service (MPS) on 30/03/2021. I note you seek access to the following information:

Under the Freedom of Information Act 2000, I am writing to you to request information [name and area] on all of the schools that the MPS has visited for the purposes of installation of knife screening arches, by calendar year since the program began. I would also like to know the statistics on how many of these encounters led to further action.

Secondly, I wish to know how the MPS plans to expand on the screening arch deployment programs eg. providing training for school staff that are empowered by government legislation, as this is unclear from previous publications.

Thirdly, I wish to know how many times mobile screening arches were deployed with successful results by calendar year, since usage began and in which areas if possible.

Finally, I wish to know how regularly officers are retrained in deescalation techniques and if retraining is compulsory or not.

**SEARCHES TO LOCATE INFORMATION**

To locate the information relevant to your request searches were conducted within the MPS. The searches located information relevant to your request.

## **DECISION**

This letter is to inform you that it will not be possible to respond to your request within the cost threshold. This response serves as a Refusal Notice under Section 17 of the Freedom of Information Act 2000 (the Act). Please see the legal annex for further information on the exemptions applied in respect of your request.

## **REASONS FOR DECISION**

Data for the arches success, is not held centrally. It will mean having to contact each of the individual schools supervisors on each BCU (Borough Command Unit) for their data, if they keep records. This would take a minimum of 40 hours work.

We therefore estimate that the cost of complying with this request would exceed the appropriate limit. The appropriate limit has been specified in regulations and for agencies outside central Government; this is set at £450.00. This represents the estimated cost of one person spending 18 hours [at a rate of £25 per hour] in determining whether the MPS holds the information, and locating, retrieving and extracting the information.

I would like to provide you with advice as to how you may narrow your request so that it does not exceed the appropriate limit.

Regarding the last question.

Finally, I wish to know how regularly officers are retrained in deescalation techniques and if retraining is compulsory or not.

The MPS may be able to answer this question within the cost limit, subject to any exemptions that may apply.

Should you have any further enquiries concerning this matter, please contact me using the email or postal addresses at the top of this document, quoting the reference number for this request.

**[REDACTED]**

## **LEGAL ANNEX**

### **Section 17(5) of the Act provides:**

(5) A public authority which, in relation to any request for information, is relying on a claim that section 12 or 14 applies must, within the time for complying with section 1(1), give the applicant a notice stating that fact.

**Section 12(1)&(2) of the Act provides:**

(1) Section 1 does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

(2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.

**Section 16 of the Act provides:**

(1) It shall be the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information to it.

(2) Any public authority which, in relation to the provision of advice or assistance in any case, conforms with the code of practice under section 45 is to be taken to comply with the duty imposed by subsection (1) in relation to that case.



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Your ref:  
Our ref: 01/FOI/21/019029

08/05/2021

Dear Mr Parkinson

**Freedom of Information Request Reference No: 01/FOI/21/019029**

I write in connection with your request for information which was received by the Metropolitan Police Service (MPS) on 09/04/2021. I note you seek access to the following information:

**NEW REQUEST:**

Thanks for getting back to me RE my FOI request. I would like to take you up on your offer of help to narrow the radius of the questions I posed so that I might receive some answers. I am of course willing to offer any assistance necessary, should the cost or time commitment begin to overstep its bounds.

**MPS Response**

I would suggest you refine your request to just one borough and name the schools. I can then contact the schools liaison to see how much information can be gathered.

**Reply to MPS Response.**

Just to clarify, should I submit a new request or forward this directly to you?

**PREVIOUS REQUEST:**

Under the Freedom of Information Act 2000, I am writing to you to request information [name and area] on all of the schools that the MPS has visited for the purposes of installation of knife screening arches, by calendar year since the program began. I would also like to know the statistics on how many of these encounters led to further action.

Secondly, I wish to know how the MPS plans to expand on the screening arch deployment programs eg. providing training for school staff that are empowered by government legislation, as this is unclear from previous publications.

Thirdly, I wish to know how many times mobile screening arches were deployed with successful results by calendar year, since usage began and in which areas if possible.

Finally, I wish to know how regularly officers are retrained in deescalation techniques and if retraining is compulsory or not.

## **SEARCHES TO LOCATE INFORMATION**

To locate the information relevant to your request searches were conducted within the MPS. Searches located information relevant to your request.

## **DECISION**

I have today decided to disclose the located information to you in full.

The MPS have gathered data across SN South area North, on reviewing this request we will not be providing names of individual schools we have attended due to confidentiality and this would lead to them being approached directly. Names of schools was not requested. We deploy and conduct knife arches due to Intelligence, recent spike in knives that have been found and also in request of the schools themselves as a prevention measure. The arches also enable the MPS to provide an engagement opportunity to provide prevention to knives and offensive weapons.

The MPS has collated data across SN of which is shown below –

Total Knife arches – 15

Out of those 15, we have had three positive recoveries.

One question that has been raised in relation to the wording of the request is “Installation” obviously the above data is for our mobile knife arch that has been deployed, we do not have any schools across SN with a permanent knife arch.

In relation to the training of teachers, they assist us with knife arches and we do have agreements with some schools in which they have our detection wands of which training is carried out for use of this once every term with the dedicated school’s officer or when requested.

Should you have any further enquiries concerning this matter, please contact me using the email or postal addresses at the top of this document, quoting the reference number for this request.

Yours sincerely

**[REDACTED]**

## THE WORK CONTINUES...

As it stands, I have reached out to and am still awaiting a response from:

The Home Secretary and MP for Witham, The Right Honourable Priti Patel, concerning the new 'Police, Crime, Sentencing and Courts Bill 2021' and the further commodification of the police power to stop and search with impunity and how she would justify the continual targeting of individuals who have already been punished or exonerated through the justice system.

The Metropolitan Police concerning, the frequency and efficacy of their visits to schools, the training that they give staff on the use of their power to search and use of screening wands and arches, how regularly their officers are retrained in appropriate use of power and conduct towards the public and if officers are educated on the history of P.A.C.E and what it means to be in possession of powers derived from it.

Dr. Victor Olisa, a former Borough Commander of the Metropolitan Police and ex-employee of the Home Office, responsible for amending the stop and search legislation in 2014. This is concerning his criticisms of the current impractical implementation of the stop and search powers by the police.

UCL Security concerning their protocol, code of conduct, handbook and advice for staff considering that their statement suggests they vary from Department of Education advice.

The Department of Education concerning the powers that they have granted school staff members to search students' bodies and properties with indemnity as well as the lack of training that is associated with the use of this power.

A number of students who have experienced searches conducted by the Metropolitan Police or their own school staff concerning how they feel about the inclusion of extreme safety practices in their schools.

