

Analysis on the reduction of Stop & Search, under PACE 1984,  
and its direct correlation on the increase in recent Knife  
Crime in England and Wales!

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## Introduction.

'Two men arrested on suspicion of murder after triple stabbing in Seven Kings, East London'<sup>1</sup>, 'East Croydon Railway Station stabbing leaves boy dead'<sup>2</sup> and 'Finsbury Park stabbing: Deliveroo driver stabbed to death in London's First murder of 2020'<sup>3</sup>. It has been commented on by academics, criminologists, MPs and Police Forces that there are many solutions to tackle the issue of rising knife crime scene throughout England and Wales but most controversially, stop and search is a hot topic of conversation with David Lammy MP stating that stop and search "It is inherently unfair. Stop and search is an integral cog in a racially disproportionate criminal justice system."<sup>4</sup>

This thesis will explore the role of stop and search within an increasingly critical climate of knife crime with pinpoint detail to the Metropolitan Police and London. This thesis will show some difference from London and other UK counties but will use London due to its dynamic and diverse population where knife crime is a main priority of Police Commissioner Cressida Dick's campaign. Due to the nature of growth and rapid changes with the violent offences caused with a knife, this thesis will focus on the time period ending January 31<sup>st</sup>, 2020. Statistics show that knife crime within the capital is rising and that the use of stop and search currently is not enough to slow down the rise.

In 2014, then Home Secretary Theresa May announced drastic changes to the Police and Criminal Evidence Act 1984 by stating that they will be 'the most comprehensive package of review'<sup>5</sup> which she believed would 'contribute to the reduction of stop and search' across England and Wales. The review led to the Home Office shifting responsibility of the search onto the Officer carrying out the search and commits that any officer who performs an illegitimate search will be subject to their force's disciplinary procedures.

This thesis will also examine what initiatives the Strathclyde Police adopted in Glasgow during 2005 when the city was known for being 'Europe's Murder Capital'. Would orthodox approaches such as

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<sup>1</sup> Sam Gelder, 'Two Men Arrested on Suspicion of Murder After Triple Stabbing in Seven Kings, London' (the Guardian, 2020) <<https://www.theguardian.com/uk-news/2020/jan/20/three-dead-after-suspected-triple-stabbing-in-london>> accessed 29 January 2020.

<sup>2</sup> 'Teen Stabbed to Death at Busy Railway Station' (BBC News, 2020) <<https://www.bbc.co.uk/news/uk-england-london-51268650>> accessed 29 February 2020.

<sup>3</sup> Eleanor Busby, 'Deliveroo Driver Stabbed to Death in London's First Murder Of 2020' (The Independent, 2020) <<https://www.independent.co.uk/news/uk/crime/finsbury-park-stabbing-london-murder-deliveroo-ubereats-driver-crime-a9270091.html>> accessed 29 January 2020.

<sup>4</sup> David Lammy, 'Stop and Search Is Inherently Unfair, Unjust and Ineffectual | David Lammy' (the Guardian, 2020) <<https://www.theguardian.com/law/2018/oct/13/stop-and-search-is-unjust-unfair-ineffectual-david-lammy>> accessed 29 January 2020.

<sup>5</sup> 'Stop and Search: Theresa May Announces Reform of Police Stop and Search' (GOV.UK, 2020) <<https://www.gov.uk/government/news/stop-and-search-theresa-may-announces-reform-of-police-stop-and-search>> accessed 29 January 2020.

setting up a violence reduction unit, increasing stop and search or would unorthodox approaches such as community engagement or youth programmes be more beneficial in the fight against violent crime?

## Chapter 1

Prior to the Introduction of the Police and Criminal Evidence Act 1984, the police relied upon the powers as set out in s.4 of The Vagrancy Act 1984, also known as Sus Law, meant that a police officer could stop certain individuals who they suspected regularly visited a public place with the intent to commit an arrestable offence<sup>6</sup>. However, due to a rise in tensions between the general public and members of Her Majesty's Constabulary there was a greater push for police accountability due to the amount of stop and search, young black men took the greatest exception due to the amount of times they were constantly stopped and subsequently searched. It is difficult to compare this to any historic statistics due to the failure of stop and searches not being recorded, by then Police Commissioner of the Metropolitan Police as they did not feel that they were of significant interest or importance and they had now subsequently been requested by the home secretary<sup>7</sup>.

Due to rising tensions, the Brixton Riots broke out in April 1981 between the police and the community, such to the disorder 270 police officers and 45 members of the public were injured and lots of buildings, emergency service personnel and resources were attacked. Then Home Secretary, William Whitelaw appointed Lord Scarman to lead an enquiry into the disorder due to the lack of trust between the local community and Police. Amongst Lord Scarman's report he addressed the need for more effective policing, which in turn, would lead to de-escalation of the tensions and riots within Brixton. Amongst the suggestions were the need to have a diverse work force which would also represent communities with ethnic minorities in which he stated that a police force that fails to recognise the ethnic diversity will never fully succeed in receiving the full support of the fractions within that society<sup>8</sup>.

The Police and Criminal Evidence Act, hereafter shortened to PACE, was formally adopted in 1984 due to growing uncertainties within society and the judiciary because of distinct Miscarriages of Justice. Highly notable cases are the unsafe convictions of the Birmingham six and Guilford four who's confessions were then used against them, having later been found to be due to forced coercion and

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<sup>6</sup> 'Stop and Search' (History Extra) <<https://www.historyextra.com/period/stop-and-search-what-can-we-learn-from-history/and-search-what-can-we-learn-from-history/>> accessed 7 March 2020.

<sup>7</sup> Ibid

<sup>8</sup> A Hiller, 'Proposals on Police Community Relations' (Heinonline.org, 2020) <[https://heinonline.org/HOL/Page?collection=journals&handle=hein.journals/qland12&id=140&men\\_tab=srch\\_results](https://heinonline.org/HOL/Page?collection=journals&handle=hein.journals/qland12&id=140&men_tab=srch_results)> accessed 7 March 2020.

physical abuse<sup>9</sup>. Since then, the convictions were notably quashed. The adoption of PACE was to formally regulate the role of an officer and set guidelines to what they can and cannot do, dealing exclusively with the right to stop and search and is categorised within PACE code A, which deals with the exercise of statutory powers by police officers to search a person or a vehicle without first making an arrest. Most recently, in the early 2000's it was updated to also deal with the need for a police officer to make a record of such a stop and search encounter<sup>10</sup> in order to build trust between the Metropolitan and the communities of London.

Reasonable grounds for suspicion is the minimal test that an officer must satisfy in order to carry out a legal stop and detaining of an individual in order to carry out a search of an individual or vehicle under section 1 of PACE, in order to find stolen or prohibited items, and section 23 of the Misuse of Drugs Act 1971 in order to find controlled drugs<sup>11</sup>. This test must be applied uniquely to each case and has two parts to be satisfied; firstly, the officer must have a genuine suspicion in their own mind and that suspicion must be reasonable. This means the officer must show objectively that they reasonable suspected to find what they had expected to in the search, this can be shown through intelligence led policing. Continually, an officer is able to search a person who they reasonably believe could innocently possess a stolen or prohibited article, an example is demonstrated through the legal stop and search of a minor under the age of criminal responsibility.

However, section 149 of the Equality Act 2010 states that all public sector workers must, in the exercise of his/ her function must have due regard to the need to:

- A) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- B) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- C) foster good relations between persons who share a relevant protected characteristic and persons who do not share it<sup>12</sup>.

As is apparent, the Metropolitan Police force are a public sector body and as such all searches carried out under either S.1 of PACE 1984 or S.23 of the Misuse of Drugs Act 1971 must fully comply with the Equality Act 2010. Therefore, an officer cannot carry out a stop and search if the only reason for doing

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<sup>9</sup> Niall Murphy, 'History Of PACE' (Krw-law.ie, 2020) <<http://krw-law.ie/wp-content/uploads/2017/05/The-Role-of-a-Solicitor-in-the-Police-Station-PAPE-IPLS-8.3.17.pdf>> accessed 7 March 2020.

<sup>10</sup> Ibid

<sup>11</sup> 'Revised Code of Practice for The Exercise By: Police Officers of Statutory Powers of Stop and Search' (Assets.publishing.service.gov.uk, 2020) <[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/384122/PaceCodeAWeb.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/384122/PaceCodeAWeb.pdf)> accessed 7 March 2020.

<sup>12</sup> s.149 Equality ACT 2010

so is based on any of the protected characteristics including race, gender or disability etc. This applies to all stop and search powers and is not limited to just those stops that require reasonable grounds from an officer. Therefore, stop and searches under section 60 of PACE 1984, under section 164 of the Road Traffic Act 1988 and finally the Police Reform Act 2002 will be required to comply with the Equality Act 2010<sup>13</sup> even though they require minimal suspicion. It is hoped that this would prevent any racial misgivings in the Metropolitan Police following the Macpherson Report finding that the Police Force was 'institutionally racist'.

On the 22<sup>nd</sup> of April 1993, 18-year-old Stephen Lawrence was stabbed to death in an unprovoked attack in South East London by a gang of five men, what followed was failings and Institutional Racism which was highlighted in Sir William Macpherson's report into the Metropolitan's Police handling of the case spanning far over a decade<sup>14</sup>. Following an investigation by the Met at the immediate aftermath the Crown Prosecution Service announced that there was insufficient evidence to pursue any prosecution against the five male suspects. During July 1997 a public enquiry was announced and was to be led by Macpherson and was to be a judicial inquiry into the killing and the handling of the subsequent investigation of Stephen Lawrence by the Metropolitan Police Force. The main aims of the report were to identify any lessons that could be learnt of the police's handling of this case.

The subsequent investigation began during March 1998 and the five suspects were ordered to comply with giving evidence or face prosecution. Following the investigation, the Macpherson report was published during February of 1999 and Sir William Macpherson produced a 389-page report to the House of Commons in which he stated that the Metropolitan Police were institutionally racist<sup>15</sup>. Coming to this conclusion, the report referred to the case of *North West Thames RHA v No-one* (1988)<sup>16</sup> in which Lord Justice May stated that 'legitimate inferences which can fairly and as a matter of 'common sense and not law' be drawn from the evidence and therefore Macpherson stated that in applying the civil standard of proof, that they are satisfied based upon a balance of probability that any conclusion the report reached will be justified<sup>17</sup>.

As part of the report, inferences of Institutional Racism are drawn, and it is stated that the disparity in stop and searches throughout the country show a clear core of racial stereotyping. As part of the

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<sup>13</sup> 'Stop and Search' (App.college.police.uk, 2020) <<https://www.app.college.police.uk/app-content/stop-and-search/fair/>> accessed 4 March 2020.

<sup>14</sup> William Macpherson, 'THE STEPHEN LAWRENCE INQUIRY' (Assets.publishing.service.gov.uk, 1999) <[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/277111/4262.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/277111/4262.pdf)> accessed 7 March 2020.

<sup>15</sup> Ibid

<sup>16</sup> *North West Thames RHA v No-one* (1988) IRLR 195 C

<sup>17</sup> Ibid

report they gave four recommendations specifically concerning the improvements of stop and search. Firstly, current legislation regarding stop and search should not change in any circumstance as it is effective in reaching its purpose. Secondly, that the Home Secretary in consultation with the police force should record all instances of stop and search and records should be kept including those that fall outside of the scope of the Police and Criminal Evidence Act 1984. The report should detail the reason for stop, the outcome and the self-defined ethnicity of the person stopped and a receipt of stop and search should be given, and it is hoped that this would achieve greater trust.

They further state that this information should be analysed and ready for inspection but that they should be published so that members of the public are able to easily access them, again hoping to further push for greater trust. Finally, that the police should undertake campaigns to increase public awareness of stop and search and their obligations should they be stopped. A consequence of the report, reporting of stop and search was trialled across some police forces and as such was rolled out to all police forces in 2003/4<sup>18</sup> and therefore, statistics are now available yearly for all police forces in England and Wales

Whilst giving evidence to the Metropolitan Police Authorities Inquiry, Sir Ian Blair stated the opposite of the report and simply stated that the officers who were working on the Stephen Lawrence case were not racist but acting in a 'monochrome way'<sup>19</sup>. However, Sir Blair did concede that the report, while damning for the Met was essential for changing the way that the police force acted against people from working class backgrounds and ethnic minorities.

In November 2007 the police confirmed they were investigating new forensic evidence, examining evidence collected at the time of the murder in 1993 and examining the data using new forensic techniques that had since been developed. In May 2011 the Court of Appeal States that there is enough new and substantial evidence to charge Gary Dobson and David Norris with the murder of Stephen Lawrence. In January 2012 they were put to trial and were consequently found guilty of the murder of Lawrence and are subsequently sentenced to life imprisonment at the old bailey.

Since the Macpherson report the Metropolitan Police force, due to changed legislation and new working guidelines, have changed practices and are now dealing with communities using a different diverse approach. From the stop and search statistics for year ending 31<sup>st</sup> March 2018 showed that

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<sup>18</sup> "The Macpherson Report: Twenty Years on Inquiry" (Stop-watch.org, 2019) <[http://www.stop-watch.org/uploads/documents/StopWatch\\_Response\\_to\\_Macpherson\\_20\\_years\\_on.pdf](http://www.stop-watch.org/uploads/documents/StopWatch_Response_to_Macpherson_20_years_on.pdf)> accessed 8 March 2020.

<sup>19</sup> Hélène Mulholland, 'Met Police 'Not Racist' During Stephen Lawrence Case, Says Ian Blair' (the Guardian, 2009) <<https://www.theguardian.com/politics/2009/apr/06/met-police-not-racist-stephen-lawrence>> accessed 7 March 2020.

the Met had carried out 132,738 stop and searches of individuals and vehicles<sup>20</sup>. Of the 132,738, 42,278 self-defined as 'Black (or Black British)', This shows that those defined as 'black (or black British) accounted for 32% of all searches in the Met's catchment area.

## CHAPTER 2

The fatal shooting of Mark Duggan in August 2011 saw the beginning of 5 days of riots within England and Wales with most of the riots occurring in London and resulted in the death of five people. The protests began in the Tottenham area following the 'assassination' like shooting of Mark Duggan by the Police and as such sparked a chord between the general public and the Police Force in charge of policing London, the Met. As well as the shooting, stop and search was cited as being a major reason for the outbreak of violence in the capital, concerns ranged from the disrespectful nature of stop and search all the way to stop and search being fundamentally racist. However, senior officers within the Met have stated that given nine out of ten of those charged by the police were already known to them then this was 'hardly surprising'<sup>21</sup>.

Between April 2008 and April 2009, the Metropolitan Police carried out in excess of 800,000 stop and searches compared to year ending 31<sup>st</sup> March 2018 where there were only 132,738 searches, a difference of in excess 668,00 searches<sup>22</sup>. Additionally, searches ending with an arrest of a person were at eight percent between 2008 and 2009, however it now stands at 17% showing that an arrest of an offender through stop and search is much more likely given the new intelligence led policing approach.

Following the report of the London Riots, then Home Secretary, Theresa May in December 2010 ordered a review of stop and search and as a result many recommendations were made following the discovering of startling statistics such as only 9% of stop and searches led to an Arrest. The report followed six weeks of consultation and stated that in 2013, 30 out of 43 police forces did not know how to use stop and search correctly<sup>23</sup>, or the impact it had the communities they policed. As part of their findings, the HMIC found that out of the 43 forces, only 21 offered refresher training on stop

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<sup>20</sup> Stop and search statistics data tables: police powers and procedures year ending 31 March 2018 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/751147/stop-search-police-powers-procedures-mar18-hosb2418-tables.ods](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/751147/stop-search-police-powers-procedures-mar18-hosb2418-tables.ods) accessed on 15 January 2019

<sup>21</sup> 'After the Riots' (Webarchive.nationalarchives.gov.uk, 2012)

<<https://webarchive.nationalarchives.gov.uk/20121003200027/http://riotspanel.independent.gov.uk/wp-content/uploads/2012/03/Riots-Panel-Final-Report1.pdf>> accessed 7 March 2020.

<sup>22</sup> 'Stop and Search in England And Wales' (Full Fact, 2019) <<https://fullfact.org/crime/stop-and-search-england-and-wales/>> accessed 7 March 2020.

<sup>23</sup>'Stop and Search Powers: Are the Police Using Them Effectively and Fairly?' (Justiceinspectorates.gov.uk, 2013) <<https://www.justiceinspectorates.gov.uk/hmicfrs/media/stop-and-search-powers-20130709.pdf>> accessed 7 March 2020.

and search, and most officers did not have any kind of retraining since their recruitment as a Police Officer<sup>24</sup>.

The inspectorate also reported that 27% of stop and searches conducted as part of their review could have been illegal as they were carried out without reasonable suspicion. On concluding the report, the Her Majesty's Inspectorate of Constabulary and Fire & Rescue Service gave numerous recommendations which included better training guidelines, the introduction of a one template form for when carrying out stop and search as well as advising Chief Constables and the College of Policing that they should establish a clear specification of what constitutes a fair reasonable suspicion of the grounds to conduct a search<sup>25</sup>.

In 2014, Theresa May introduced proposals which amounted to a comprehensive package of reforms in the way that Police Forces across England and Wales would deal with stop and search. The revised code that emphasised that the officers who fail to meet the standard of the reforms will be subject to formal performance or disciplinary proceedings, showed the seriousness of the reforms by Theresa May<sup>26</sup>. She continues to say that if police forces fail to adopt these reforms then the Government will bring forward primary legislation at its earliest opportunity to force these changes<sup>27</sup>.

Establishing the need for the reforms, case law showed that when stop and search is not carried out in line with all current legislation and guidance then the search could be found to be incompatible with Human Rights legislation, shown through the case of *R v Bristol* [2007]<sup>28</sup>. In *R v Bristol*, the defendant was stopped abruptly by a patrolling police officer who alleged to have seen drugs in the defendant's mouth. The officer immediately asked the defendant to state what was in his mouth to which he replied that it was chewing gum, it was then the statement of the officer that he did not have time for niceties and immediately applied mandibular pressure which enables a person to stop the person from swallowing, as the officer considered this to be an emergency<sup>29</sup>.

It is accepted that the officer failed to give his name or police station to the defendant while other Officers joined to grapple the defendant, but no drugs were found whether on his person or in the vicinity. When giving judgement in this case, Lord Justice Sedley stated that the search was unlawful and given parliaments direct view that it is for the officer to give the formalities then the search is in great view a formality on an individual's formalities<sup>30</sup>. This decision complemented the decision of

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<sup>24</sup> Ibid

<sup>25</sup> Ibid

<sup>26</sup> Theresa May oral statement to House of Commons, 31<sup>st</sup> April 2014.

<sup>27</sup> Ibid

<sup>28</sup> *R v Bristol* [2007] EWCA Crim 3214

<sup>29</sup> Ibid

<sup>30</sup> Ibid

Bonner v the DPP [2004]<sup>31</sup> whereby Justice McCombe stated that while he had sympathies with police officers who daily must confront the realities of life and rather than the letter of the law, however that law still must be applied<sup>32</sup>.

Continually, the case of Gillan & Quinton v United Kingdom [2009]<sup>33</sup> concerned itself with the stop and search of two individuals under section 44 of the terrorism Act 2000 near to an arms fair in London. The Officers failed to recover any prohibited items and subsequently they were both allowed, after a short duration to be released. Both parties appealed the stop and search through all the courts available before it was finally rejected by Lord Bingham in the House of Lords. Seeking justice, the case was brought before the Court of Human Rights alleging that the search breached the human rights under acts five, eight, ten and eleven<sup>34</sup>. The court found in favour of the applicants and subsequently the court held that the stop and search constituted a breach of an individual's Human Rights and therefore had breached article eight – the right to private and family life<sup>35</sup>.

The court held that sections 44 and 45 of the Terrorism Act 2000 and the powers afforded to those acts are not sufficiently circumscribed or not subject to legal safeguards and therefore, they are not in accordance with Law and that is why they accepted that there had been a breach of Article eight

As part of the reforms by the Home Secretary, Theresa May launched a Best Use of Stop and Search Scheme (BUSSS), In which forces across England and Wales volunteered to take part and therefore required the force to actively use 4 new pieces of guidance<sup>36</sup>. Firstly, there was a requirement to publish broader data on the outcomes of stop and search, then they must facilitate the observation of stop and search powers by members of the public, they must set up a complaint policy to which they must explain to community panels how stop and search is being used and finally they must reduce the amount of s.60 of PACE 1984 'no suspicion' searches by adhering to stricter requirements on their use<sup>37</sup>. Most notably, now only an Assistant Chief Constable or that of a senior ranking official can impose section 60 searches.

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<sup>31</sup> Bonner v the DPP [2004] EWCH 2415 Admin

<sup>32</sup> Ibid

<sup>33</sup> *Gillan and Quinton v United Kingdom* [2009] ECHR 28

<sup>34</sup> Ibid

<sup>35</sup> 'Article 8: Respect for Your Private and Family Life | Equality and Human Rights Commission' (Equalityhumanrights.com, 2018) <<https://www.equalityhumanrights.com/en/human-rights-act/article-8-respect-your-private-and-family-life>> accessed 30 March 2020.

<sup>36</sup> 'Best Use of Stop and Search Scheme' (Assets.publishing.service.gov.uk, 2013) <[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/346922/Best\\_Use\\_of\\_Stop\\_and\\_Search\\_Scheme\\_v3.0\\_v2.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/346922/Best_Use_of_Stop_and_Search_Scheme_v3.0_v2.pdf)> accessed 7 March 2020.

<sup>37</sup> Ibid

Additionally, in 2014 as part of the comprehensive change to stop and search, PACE 1984, Code A, was revised to allow for more public scrutiny of stop and search. The most notable change to PACE was adding accountability towards the police officers conducting the search and this has been done multiple times over Code A and includes 'The officer must therefore be able to explain the basis for their suspicion by reference to intelligence or information about, or some specific behaviour by, the person concerned which is under section 2(2)<sup>38</sup>. As well as this the College of Policing were commissioned to develop 'robust professional standards' including a mandatory requirement for officers to carry out an assessment on their fitness to use stop and search as a tactic before they can apply it<sup>39</sup>.

Finally, as part of the 2014 package into stop and search, Theresa May ordered Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services to adopt an assessment of stop and search powers, whilst adding them into the annual inspections of Police Forces<sup>40</sup>. These changes were adopted, and to repeat an earlier statement, Home Secretary Theresa May enforced that if numbers do not come down, if stop and search does not become more targeted and if the stop to arrest ratio doesn't improve then the government will exercise its right to bring in primary legislation to enforce changes onto the Police Forces and make them mandatory.

Since the changes in 2014, stop and search within England and Wales has reduced dramatically, however, up to the year ending March 31<sup>st</sup> there was an increase of 370,454 stops and searches conducted in England and Wales, that was an increase of 90,726 on the year before which only saw 279,728 search, a decade low<sup>41</sup>. Since April 2014 there has been a steady decline in the number of searches carried out and a steady increase of arrests as a direct result of these searches. Up to the year ending in March 2019 there was 58,251 led to an arrest which was 21% higher than the previous year, where there was only 48,106<sup>42</sup>. While it has shown that since the comprehensive package of changes that they have had a direct positive impact on the amounts of stop and searches and the percentage of those that have led to arrests not everyone has sung the praise of the changes.

In March 2019, then Home Secretary Sajid Javid announced that 7 forces in England and Wales would no longer be required to adhere to the Best Use of Stop and Search practices and as such announced

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<sup>38</sup> 'Revised PACE Code A' (GOV.UK, 2014) <<https://www.gov.uk/government/consultations/revised-pace-code-a>> accessed 7 March 2020.

<sup>39</sup> Jennifer Brown, 'Police Stop and Search Powers' [2019] House of Commons Briefings.

<sup>40</sup> Ibid

<sup>41</sup> 'Police Powers and Procedures, England And Wales, Year Ending 31 March 2019'

(Assets.publishing.service.gov.uk, 2019)

<[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/841408/police-powers-procedures-mar19-hosb2519.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/841408/police-powers-procedures-mar19-hosb2519.pdf)> accessed 7 March 2020.

<sup>42</sup> Ibid

that conditions around 'no suspicion' searches would be relaxed for major police forces including: The Met, Merseyside Police and West Midlands Police. Continually, current Home Secretary Periti Patel in August 2019 announced that the changes BUSSS standard for stop and searches would be extended to all forces within England and Wales meaning that forces will no longer be requires to comply with the guidance on 'no suspicion' searches, therefore relaxing the rules<sup>43</sup>.

### Chapter 3

It is an offence under section 1 of the Prevention of Crime Act 1953 for any person who without lawful authority or reasonable excuse, the proof whereof shall lie on him, has with him in any public place any offensive weapon shall be guilty of an offence<sup>44</sup>. Additionally, the term offensive weapon is defined as any article made or adapted for use to cause injury to the person or intended by the person having it with him for such use<sup>45</sup>.

Next it is important to consider the amount of Knife Crime in England and Wales and correlating all the data from knife crime to the data of stop and search. Knife Crime does not have a statute definition, but a definition has been given the Home Office, who has coined the term 'Knife Enabled Crime' which is defined as any offence involving the use of knife, including the carrying of and concealing of a bladed article<sup>46</sup>. Out of the 44 police forces, a majority of 43 had seen a rise in this type of crime since 2011<sup>47</sup>. In the year ending March 2019, 43,516 offences had been committed with the use of a knife or bladed article and that is an 80% increase from the decade low in the year ending March 2014 where only 23,945 offences with a knife were committed.

Additionally, using NHS data there has also been an increase in hospital admissions due to knife offences and since 2013 there has been an 8% increase in the amount of admissions. Starkly, there has also been an increase is the number of those Age 18 or under being admitted for their injuries<sup>48</sup>. Continually, since the introduction of the reforms to stop and search murder in England and Wales

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<sup>43</sup> 'Police Powers and Procedures, England And Wales, Year Ending 31 March 2019'

(Assets.publishing.service.gov.uk, 2019)

<[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/841408/police-powers-procedures-mar19-hosb2519.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/841408/police-powers-procedures-mar19-hosb2519.pdf)> accessed 7 March 2020.

<sup>44</sup>S.1, Prevention of Crime Act 1953

<sup>45</sup> 'Offensive Weapons, Knives, Bladed and Pointed Articles | The Crown Prosecution Service' (Cps.gov.uk, 2020) <<https://www.cps.gov.uk/legal-guidance/offensive-weapons-knives-bladed-and-pointed-articles>> accessed 7 March 2020.

<sup>46</sup> 'House of Commons - Knife Crime - Home Affairs Committee' (Publications.parliament.uk, 2008)

<<https://publications.parliament.uk/pa/cm200809/cmselect/cmhaff/112/11204.htm>> accessed 7 March 2020.

<sup>47</sup> Ibid

has increased in the year ending March 2018 there were 285 killings with a knife compared to only 186 in 2015<sup>49</sup>. One in four of those victims were aged between eighteen and twenty-four<sup>50</sup>.

In the year ending March 2019, London saw 169 Knife offences per 100,000 people which is the highest in England and Wales. In the same figures, it showed that young black and ethnic minority teenage boys and men were disproportionately affected. As a victim, those that self-identified as part of the black ethnic group were 65% off all victims of homicide by a sharp instrument between 2015/2016 and 2017/2018<sup>51</sup>. Additionally, in the 12 months leading to September 2018, London made up for 35% of all knife crime offences in England and Wales<sup>52</sup>. Six out of ten killings in London in the year up to September 2018 were as a direct result of a stabbing. Eighty-three of these victims were male with women making up for thirty-four victims. Additionally, those who commit knife crime with injury are predominantly described as male and frequently from a BAME background<sup>53</sup>.

Statistics show that Knife crime is a serious and urgent issue that needs to be addressed but academics are linking the issue with the violent disorder in Glasgow during 2005 when violence was higher than any other major city within Europe. Consequently, Glasgow was dubbed the murder capital of Europe and the World Health Organisation reported that Scots were three times more likely to be murdered than people living in England and Wales<sup>54</sup>.

Due to the 'wicked' problem within Glasgow, Strathclyde Police secured funding from the Scottish Government to create a Violence Reduction Unit (VRU) which would consist of a team targeting all types of violent crimes in Glasgow with an emphasis on gang related crimes involving knives and other sharp instruments. Additionally, the issue was addressed as a public health issue instead of a criminal issue, this meant they targeted the symptoms, rather than the consequences<sup>55</sup>. Since the creation of the violence reduction unit, homicide has decreased by more than 65% and potentially higher rates in other offence categories showing the positive impact the unit had.

Due to the increasing, desperate issue of knife crime within the capital, London Mayor Sadiq Khan announced the creation of a London Violence Reduction Unit in September 2018. The aim of the

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<sup>49</sup> Ibid

<sup>50</sup> Ibid

<sup>51</sup> 'Statistics on Race and The Criminal Justice System 2018' (Assets.publishing.service.gov.uk, 2018) <[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/849200/statistics-on-race-and-the-cjs-2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/849200/statistics-on-race-and-the-cjs-2018.pdf)> accessed 7 March 2020.

<sup>52</sup> Ibid

<sup>53</sup> 'The London Knife Crime Strategy' (London.gov.uk, 2017) <[https://www.london.gov.uk/sites/default/files/mopac\\_knife\\_crime\\_strategy\\_june\\_2017.pdf](https://www.london.gov.uk/sites/default/files/mopac_knife_crime_strategy_june_2017.pdf)> accessed 8 March 2020.

<sup>54</sup> Ibid

<sup>55</sup> Ibid

violence reduction unit is to bring together specialists from the Government, police and health officials in order to tackle the injustices and underlying causes of violent crime<sup>56</sup>. The Unit is looking to stabilise and reduce violence in London by treating as a public health issue, almost like a disease. The unit will look at the underlying causes of violence such as early-life experiences, harmful social or community experiences as well as other influences like what the Strathclyde Police did in Scotland<sup>57</sup>.

Additionally, during September 2019 police forces across England and Wales ran Operation Spectre, an operation which saw the use of surrender bins, stop and search targeting weapons and weapon sweeps in a nationwide crackdown on knife crime<sup>58</sup>. Additionally, the National Police Chief Council announced that the police would be engaging with the youth population through schools and they will also ensure that all retail shops across the country will be following legislation to ensure that bladed articles are not being sold to anyone under the age of 18<sup>59</sup> through test purchasing. As part of targeted efforts, due to Operation Spectre, more than 1700 individuals were charged with offences showing the police's commitment to crack down on violent crime. This operation is carried out every six months by all police forces across England and Wales including the British Transport Police<sup>60</sup>.

As part of the London Violence Reduction Unit's work of treating the violence as a public health emergency and as such are taking an analytical approach to violence within the capital. As part of their violence reduction strategy the RVU team are looking into the factors on why violent crime happens in order to reduce the number substantially. The report recognises that there are numerous factors on a level system, first engaging whether there have been any biological or personal factors, and the levels continue until the fourth level where the report considers societal factors such as the responsiveness of the criminal justice system, social and finally cultural norms<sup>61</sup>.

The report established that there are a lot of adverse childhood experiences, which are prevalent when offenders are committing serious, violent crimes with it being reported that someone who has experiences an adverse childhood is fifteen times more likely to commit a violent offence against

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<sup>56</sup> 'What Is the Violence Reduction Unit?' (London City Hall, 2020) <<https://www.london.gov.uk/what-we-do/mayors-office-policing-and-crime-mopac/violence-reduction-unit-vru/what-violence-reduction-unit>> accessed 8 March 2020.

<sup>57</sup> Ibid

<sup>58</sup> 'Knife Crime: Operation Sceptre Begins Amid Surge in Violence' (Sky News, 2019) <<https://news.sky.com/story/knife-crime-operation-sceptre-begins-amid-surge-in-violence-11661738>> accessed 8 March 2020.

<sup>59</sup> 'All Police Forces Join Weeklong Knife Crime Operation' (National Police Chiefs' Council (NPCC), 2019) <<https://news.npcc.police.uk/releases/all-police-forces-join-week-long-knife-crime-operation>> accessed 7 March 2020.

<sup>60</sup> Ibid

another individual<sup>62</sup>. In order to prevent violence, the violence reduction unit is working, almost, as a referral service by pushing victim and in some cases offenders towards services which will be able to offer varying types of support to reduce reoffending<sup>63</sup>.

Additionally, there is one other prevalent factor that this essay hasn't considered yet, the number of Police Officers in England and Wales has shrunk significantly, and police chiefs have cited this as a primary reason for increased violence. Funding between 2010 and 2016 fell by 25% and such in this time a reduction in 14% of police officers to police the streets<sup>64</sup>. From 2010 until March 2018 the Police Service has lost 21,000 police officers, 18,000 police staff and 6800 Police Community Support Officers nationally, showing the added pressure on current service Police Officers<sup>65</sup>.

The reduction of police resources and funding cannot go unnoticed, after Theresa May stated that it had no effect on violent crime the Metropolitan Police Commissioner, Cressida Dick said in a statement to the House of Commons that it would be naïve to come to the conclusion that the fall in police numbers had nothing to do with the rise in gun and knife crime in 2018, a direct contradiction<sup>66</sup>.

## Conclusion

In analysing whether stop and search has reduced violent crime, specifically knife crime in England and Wales, it has been imperative to analyse the Metropolitan Police's jurisdiction statistics to come to any sound conclusions. As stated, following displeasure from the general public, Police Forces needed to act to gather back the public trust following the Brixton Riots and following the report from Lord Scarman. Consequently, the Police and Criminal Evidence Act 1984 which would govern the powers available to use by police. Additionally, the use of stop and search was also documented to what would constitute a legal search.

Next, the murder of Stephen Lawrence sparked outrage amongst communities within London because of the handling of the murder and subsequent investigations by the Met Police. Following the Macpherson report where the Metropolitan Police were labelled institutionally racist and accused of carrying out racial stereotyping there was outcry and as part of the report Macpherson gave many recommendations and as such these were enacted in early 2004.

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<sup>62</sup> *ibid*

<sup>63</sup> *ibid*

<sup>64</sup> 'The London Killings Of 2018: The Story Behind the Numbers and Some Proposed Solutions' (Link-springer-com.ezproxy.derby.ac.uk, 2019) <<https://link-springer-com.ezproxy.derby.ac.uk/content/pdf/10.1057%2Fs41300-019-00064-8.pdf>> accessed 8 March 2020.

<sup>65</sup> *ibid*

<sup>66</sup> Cressida Dick, Oral Statement to the House of Commons.

Given that victims of violent offences and those carrying out violent crime are identifying as being from an ethnic minority and additionally, given that stop and search is now being led through the use of intelligence led policing then it shows that the proportionality aspect under English law is satisfied when the demographic are consequently searched. Therefore, the tactic is not racist however it can be accepted that if officers are carrying out a search based solely on the protected characteristic then it can be deemed an illegal search under the Equality Act 2010 and the officer will subsequently face the consequences.

Continually, the fatal shooting of Mark Duggan in Tottenham, London led to five days of rioting and as such then Home Secretary, Theresa May ordered an inquiry and stop, and search was cited as being one of the leading factors into the disorder. As such, Theresa May offered a comprehensive package of reforms to the House of Commons and were accepted by Parliament, these reforms were enacted in 2014 and would put responsibility onto the officers carrying out the search to reduce the number of searches but also to increase the amount of searches leading to arrest. Additionally, officers who did not conduct a search properly and outside the scope of the legislation would be subject to formal performance or disciplinary proceedings.

As a result of this, stop and searches dropped in numbers dramatically, but violent crime increased and led to the introduction of London's Violent Reduction Unit. Given the statistical evidence it is clear to see that the reduction in stop and search has a direct correlation to the increase of violent crimes. This is also demonstrated from Strathclyde Police in 2005 with the introduction of their Violence Reduction Unit leading to a decrease of 65% of the most serious crimes.

Continually, this essay explored other reasons on what could have been a contributing factor into violent crime within the capital. As statistics show that there has been a reduction of the police forces power and resources and this has led to ineffective policing as quoted by Metropolitan Police commissioner Cressida Dick. Many police chiefs have agreed with this finding, and this led to a disagreement between Theresa May and the Police.

There are also social factors that play a part in reducing violent crime and it is encouraging to see that since the London Violence Reduction Unit was established in late 2018 that they are beginning to recognise this after categorising violent crime within the capital as a disease therefore they're looking into the root causes and trying to intervene earlier to prevent crime rather than accepting it as inevitable.

Finally, while it is accepted that there are other factors that contribute towards violent crime within England and Wales the use of stop and search remains a crucial part of the Police's armoury and

through the use of intelligence led policing it is a crucial tactic in preventing serious offences. When used properly it is an effective tool and while it leads to criticism from areas of the public it remains crucial. Given that more searches are leading to arrest that in 2013/14 then it is clear to see through the development of the tactic and correct use then this is the leading tactic when facing serious crime throughout London.

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