

Consultation on Draft Police and Crime Plan 2013-2016 Submission from Newham Monitoring Project

1. Newham Monitoring Project (NMP) is a grassroots community-based anti-racist organisation, founded in 1980 by local people to monitor both racist attacks and the response to them by statutory agencies, in order to effectively campaign around the resultant issues for justice and change.

Our remit today encompasses work across six east London boroughs, strengthening communities to challenge racial discrimination and violence, police misconduct and civil injustice. We provide independent advice, support, advocacy, community outreach and a 24-hour emergency helpline to people of Black, Asian, Minority Ethnic or Refugee backgrounds, supporting hundreds of people every year.

2. We have reviewed the draft plan and make the following comments in relation to Stop and Search, which is core area of our work. Additionally we have contributed comments in relation to Hate Crime policing via the submission from the Black Training and Enterprise Group (BTEG).

3. Stop and Search

Overall, we believe the MOPAC plan does not offer any new or sufficiently robust solutions to address the longstanding problems with stop and search in London, in particular its disproportionate impact of BME people. Our concern has always been that stop and search is greatly overused and alienates vast numbers of people and communities whilst doing little to target real crime.

- 3.1. The plan remains unclear how MOPAC will ensure that the MPS demonstrates that stops are “properly targeted” and “members of the public being treated with dignity and respect”.

We believe existing mechanisms of monitoring police activity and performance in this area (statistics on stop and search, public confidence surveys, complaint rates, consultative exercises and monitoring structures) do not get to the root of the problem. For example, they do not unequivocally demonstrate whether stops were lawful, justifiably warranted and that members of the public were fairly treated.

- 3.2. For MOPAC to undertake meaningful work in this area it should instead consider working with the public to scrutinise the MPS’ current plans around stop and search and ACPO’s Best Practice guidance, assessing the weaknesses of existing systems and considering how actual cases of ‘abuse of power’ are not readily tracked or addressed via current

mechanisms. For example, the most common and worst patterns of abuse reported to us by the public in relation to stop and search are:

- Frequent and repeat targeting due to race, age, appearance and/or location (e.g. a park where young people frequently congregate).
- Stops under search powers that requires reasonable suspicion being carried out on very weak grounds and that are difficult to dispute afterwards (e.g. "the person looked suspicious or acted suspiciously near police" or that "police smelt drugs"). These stops are therefore open to abuse of power.
- Police not providing detailed information before carrying out a search
- Police demanding information from people that they feel obliged to give during a stop and search
- Rudeness, aggressive or threatening behaviour by police including inappropriate use of force or being assaulted by police
- Receipts not being issued or where they are, not filled out properly
- People not being made aware that they do not have to give a name and address
- Searches of the body being a terrifying or degrading experience that breach regulations
- Arrest from stop and search being used purposefully to deflect from or weaken a potential complaint against where unlawful force has been used

4. The case study below, which is typical of the cases we deal with, highlights serious issues of concern arising from the treatment of a person during a stop and search. These issues would not be detected under any current monitoring oversight mechanisms that MOPAC intends to rely on within the draft plan.

Example Case study

Mr X, a young Asian male of slight stature and weak physical health following a serious operation, sought support from NMP regarding repeated targeting and assaults by local police. A recent stop and search by three officers had ended in arrest for assaulting an officer by spitting, which he disputed. In custody, the police doctor documented over 40 injuries from the stop, search and arrest. Despite being asked, the officers could give no explanation in court for these injuries and the case against him was not upheld. He did not use the complaints system to record or seek potential redress for the matter.

5. Recommendations

We recommend that MOPAC's work with the MPS focuses on improving police accountability around the above issues. Our specific recommendations include:

- Ensuring the MPS undertake greater monitoring, scrutiny and report back clearly on the grounds of suspicion given for searches (including related arrests and successful prosecution rates) enabling MOPAC to assess whether police are using their powers correctly. This would reinforce the previous guidance issued by the MPA that stated that officers should rely on a minimum of two separate sources of intelligence before stopping people.
 - Strengthening the public's ability to assert their rights on-the-spot by ensuring basic rights information appears on police stop and search receipts, such as stating clearly on the form that people do not have to give this information unless it is under a specific search power.
 - Ensuring that all stop and search receipt books are number indexed – our experience is that they are not.
 - Systematically collating and monitoring data on the 'condition' of people in custody. This should include injuries documented by FMEs (police doctors) about those arrested following a stop and search, to develop a clearer picture of how and when force is being used. It is our understanding that the Independent Custody Visiting scheme's remit does not extend to producing data on this.
- 5.1. The plan commits to improving confidence around stop and search by working with the Stop and Search Community Monitoring Group (CMG) network. However it does not identify any of the known deficiencies, previously identified by MPS and MPA, which hinder these networks in their role. Neither does the plan identify how MOPAC could be supportive in strengthening them.

Our own experience of contact with CMGs has highlighted problems, particularly in resourcing and with the stop and search data they are presented with.

We recommend that MOPAC undertakes research to assess the effectiveness of borough CMGs, supports them to strengthen their rigour and autonomy and sets out clearer targets for their own accountability to the public (see below).

- 5.2. *Building on the guidance from the Lawrence Inquiry recommendations and existing terms of reference, Newham Monitoring Project*

recommends that MOPAC work supportively with CMGs to develop clear impact and effectiveness indicators around:

- *Administration*
Is the local CMG functioning as a group, with chaired and minuted meetings, papers circulated in advance, a clear agenda and follow-up of agreed decisions?
- *Statistical data*
Is the CMG simply receiving reports or analysing statistical data on the different stop & search powers through an agreed mechanism and assessing impact and trends?
- *Accountability*
How effective is the CMG in receiving answers from the local borough commander and officers to the questions it raises, both on stop and search data and the impact of policies and practice?
- *Complaints*
Is the CMG considering and discussing complaints about the police on the use of stop & search powers received via partner organisations, the Independent Police Complaints Commission and third party reporting?

Are they considering what lessons can be drawn from individual complaints for local policing practice?

- *Community Impact*
Is the CMG considering the community impact of the use of stop and search powers, particular police operations and indicators of tension in their borough?

If they lack the information to make this assessment, are they seeking ways to gather intelligence to increase their understanding?

- *Membership*
Is the CMG taking positive steps to assess its membership and ensure that it is representative of the borough in which it operates?

Submitted by:

Newham Monitoring Project

Harold Road Community Centre
170 Harold Rd
Upton Park
London E13 0SE
www.nmp.org.uk

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