STOP AND SEARCH, AND LEGITIMACY

Justice Tankebe

Conference on Evidence-Based Policing

Cambridge, July 2012
I do hope that part of what the Inquiry can do is assert the importance of legitimacy for the police. It's an essential building block. Everything else tends to fall away if the how you deal with things is seen to be wrong...
What is Police Legitimacy?

A recognition that police have the **moral** right to exercise power.

Not based on fear or threats of punishment.

Bottoms & Tankebe (2012)
LAWFULNESS
EFFECTIVENESS
DISTRIBUTIVE JUSTICE
PROCEDURAL JUSTICE
Crime occurs because there is variation in the extent to which people believe they should obey the rules of society, and, furthermore, that the less a person believes he should obey the rules, the more likely he is to violate them (Hirschi 1969)
Tom Tyler On
“Teachable Moments”

Every interaction that the public have with the police should be treated as a socialising experience that builds or undermines legitimacy. Each contact is a ‘teachable moment’ in which people learn about the law and legal authorities.

Tyler (2011: 257)
Stop and Search

• Legal basis
  – s.1 PACE (1984)
  – s. 60 Criminal Justice and Public Order Act (1994)
  – s. 44 Terrorism Act (2000)

• The extent of use
• Disproportionality
• Discretion
Discrimination?

• Black people 37 times more likely to be stopped and searched than White people.

• 10 times more likely for Asian than White Britons.

The Guardian 2012
“SARDIS” POLICE

53,858 Stop and Search Incidents

2006 – 2011
### Age at S.S - Female and Male Suspects

<table>
<thead>
<tr>
<th>Gender</th>
<th>N</th>
<th>Mean</th>
<th>Std. Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>male</td>
<td>49048</td>
<td>23.0</td>
<td>9.5</td>
</tr>
<tr>
<td>female</td>
<td>4306</td>
<td>22.8</td>
<td>9.9</td>
</tr>
</tbody>
</table>

$t=1.655$, sig<.1
Crosstabulation Outcome X Ethnicity (binary)

- NFA: -0.3%
- advice: -2.5%
- formal warning: 2.2%
- Arrested: -1.0%
- Other: 0.5%
- GAP: 1.2%
- FPND: -0.2%

White British
other
PNC_Known Ratio Whites vs. Others
(average overall PNC Known 65%; average White = 73%)

Higher in Others

Higher in Whites

- Chinese
- Any other
- Chinese or other
- Asian Indian
- Asian background
- Asian Bangladeshi
- Asian Pakistani
- Black African
- White and Asian
- White Irish
- Gypsy/Romanian
- Not Stated
- Other Travellers
- White and Black Caribbean
- White Travellers Irish heritage
- Black Caribbean

Values for different groups, with higher values indicating a higher ratio of PNC Known for that group.
Duration of Stop and Search

- <5 minutes: 43.85%
- 6-10 minutes: 32.49%
- 11-15 minutes: 12.27%
- 16-20 minutes: 5.18%
- 21-25 minutes: 1.70%
- 26-30 minutes: 0.43%
- 31-35 minutes: 0.35%
- 36-40 minutes: 0.25%
- 41-45 minutes: 0.14%
- 46-50 minutes: 0.16%
- 51-55 minutes: 0.06%
- 56-60 minutes: 0.16%
- 60+ minutes: 0.96%
LONDON SURVEY
Questions

• Do stops, searches and arrests necessarily undermine legitimacy?

• Does the quality of the experience matter for legitimacy?
A sample of 5210 residents of London.

- Household surveys by private researchers
- Response rate of 60%
% Stopped (n=167)

<table>
<thead>
<tr>
<th>Race</th>
<th>Percentage</th>
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</thead>
<tbody>
<tr>
<td>White</td>
<td>58.7</td>
</tr>
<tr>
<td>Asian</td>
<td>11.4</td>
</tr>
<tr>
<td>Black</td>
<td>29.9</td>
</tr>
</tbody>
</table>
Do Stops Affect Legitimacy?
% Searched/Arrested (n=73)

- White: 37%
- Asian: 13.7%
- Black: 49.3%
THANK YOU.

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