

Impact case study (REF3b)

Institution: King's College London
Unit of Assessment: 20 Law
Title of case study: Developing fair and effective police stop and search powers (Professor Ben Bowling)
<p>1. Summary of the impact</p> <p>Safety and liberty – public goods delivered by the police – are important to every individual and essential to a civilised society. Professor Bowling has led a programme of theoretical and empirical research on the police power to stop and search people in public places, an important but controversial aspect of law enforcement. His research has clarified the meaning of fair and effective policing, and provided solutions to identified problems of disproportionality and transparency. Through his engagement with the Equality and Human Rights Commission (EHRC), police forces, civil liberties groups and communities, Professor Bowling's research has informed public understanding, enhanced police accountability and contributed directly to the improvement in police stop and search practices, thereby enhancing community safety and protecting fundamental human rights and civil liberties in the UK.</p>
<p>2. Underpinning research</p> <p>After the publication of the Macpherson report in 1999, public policy debate on stop and search reached an impasse. The debate was polarised with police arguing on pragmatic grounds that disproportionality was not indicative of institutional racism, but an inevitable product of differences in crime rates among different ethnic groups and their concentration in the places and at the times that stop and search is carried out. Reformers in turn argued that disproportionality was unacceptable in principle and indicative of discriminatory police practice.</p> <p>Bowling's research addressed these issues, starting with a research monograph [1] submitted to the Stephen Lawrence Inquiry in 1999. This examined the organisational culture and practices of policing, and set out the theoretical basis for understanding institutional racism in policing. The monograph was quoted during Inquiry hearings and cited in the report as making an 'important contribution' to the Inquiry's understanding. Bowling subsequently co-authored the first significant textbook on race and policing [2].</p> <p>In 2007 Bowling published two key articles. The first co-authored article [3], an innovative analysis of statistical data, demonstrated decisively—for the first time in a peer-reviewed law journal—that the disproportionate impact of stop and search on black and ethnic minority communities amounted to direct and indirect discrimination. The second article [4], an invited lecture to the prestigious Stockholm Criminology Symposium in 2006, drew on theoretical and empirical research findings to develop a process, captured by Bowling's concept of 'good enough policing', through which police and public could agree on standards of fairness and effectiveness acceptable to both. This concept, coined by the author, has subsequently been taken up and attributed to Bowling by other academics (e.g. Mike Hough, 'Procedural justice and professional policing in times of austerity.' <i>Criminology and Criminal Justice</i> (2013 13 (2) 181-197)).</p>
<p>3. References to the research (available from King's College London on request)</p> <ol style="list-style-type: none"> Bowling, B. (1999) <i>Violent Racism: victimization, policing and social context</i>. Oxford: OUP. Favourably reviewed in the <i>Howard Journal</i>; <i>British Journal of Criminology</i>; <i>Journal of Forensic Psychiatry, Policing and Society</i>; <i>International Journal of the Sociology of Law</i>; <i>Criminal Justice</i>; <i>Journal of Civil Liberties</i>; <i>International Review of Victimology</i>), and widely cited by other researchers (>260 citations). Bowling, B. and Phillips, C. (2002) <i>Racism, crime and justice</i>. London: Longman. Widely cited by other researchers (>265 citations). A review in <i>Criminal Justice</i> complimented the 'comprehensive critical analysis' of the work.

3. **Bowling, B. and Phillips, C. (2007) 'Disproportionate and Discriminatory: Reviewing the Evidence on Stop and Search', *Modern Law Review* 70 (6) 936-961.** The MLR is a leading peer-reviewed journal. Widely cited by other researchers (>72 citations) including Clive Walker's *Terrorism and the Law* (OUP 2011) and citations in the *British Journal of Criminology* and the *Cardozo Law Review*.
4. **Bowling, B. (2007) 'Fair and effective police methods: towards 'good enough' policing', *Scandinavian Studies in Criminology and Crime Prevention* Vol. 8/S1 pp17-23.** Cited inter alia in the leading journals *Theoretical Criminology*, *Policing and Society* and *Criminology and Criminal Justice*.

4. Details of the impact

Since 2008, Bowling's research has contributed to public debate on stop and search and has made a wide-ranging substantial impact on police policy and practice. Through his engagement with policymakers and his contribution to the EHRC's ground-breaking report *Stop and Think* in 2010 [6], Bowling's research has contributed materially to a change in behaviour by some of Britain's worst offending police forces. The beneficiaries include (i) the EHRC, (ii) UK police forces, (iii) members of minority communities, and (iv) the general public, through fairer, more efficient, effective and economical use of police power.

The impact of Bowling's research builds on a foundation of more than a decade of public engagement in this field. He has disseminated research findings widely in professional journals, national newspapers, radio and television broadcasts and public lectures to various audiences including senior police officers. He has been a member of, or advisor to, numerous local, national and international bodies including the Metropolitan Police Racial and Violent Crime Task Force (1999-2001), the UN World Conference Against Racism (2001), Home Secretary's Stop and Search Community Panel (2004-8) and the Home Affairs Select Committee (2006-7). His research was cited in key policy documents including the 2005 APCO *Stop and Search Manual* and he has written expert witness opinions in stop and search cases.

Stopwatch—impact on public debate. In March 2010 Bowling, with others, identified the need for a vehicle to disseminate research on stop and search. Funded by the Open Society Foundation, Bowling organised a conference at King's College London entitled 'Where Now for Stop and Search' chaired by cross-bench peer Lord Victor Adebawale. More than 100 people attended, including leading academics, lawyers, police chiefs, the Independent Police Complaints Commission, Liberty, Association of Police Authorities and civil society groups.

Building on the momentum of the conference, Bowling co-founded and launched StopWatch (www.stop-watch.org), a coalition of researchers, policy-makers, lawyers and young people working for fair and effective policing. The launch of StopWatch at King's College London by the Reverend Jesse Jackson in October 2010 was attended by over 200 people and widely reported in national and international news media [14]. Bowling is an active contributor to the organisation, chairing meetings, drafting documents and delivering keynote speeches at various events [9, 13].

Today, StopWatch plays a significant role in informing and shaping public debate using research evidence and working directly with the police to help improve their use of stop and search. It has used a variety of innovative mechanisms, including a theatre play (performed at Catford Broadway Theatre 26 April - 27 May 2012 and positively reviewed in the national press including *The Times*, *Sunday Times* and *Time Out* [14]) and video and flash mobs (>4,000 hits) produced by young people to stimulate discussion about alternative ways to achieve good policing. The theatre play, for example, concluded with Q&A sessions to engage the audience with researchers in the field (including Bowling), police officers and the cast.

Impact case study (REF3b)

In the last three years StopWatch, has grown to become a coalition of 75 organisations and individuals. It undertakes legal and policy analysis, political advocacy and supports litigation. It drafts fact-sheets and policy briefings, submits evidence to national and international organisations and contributes articles to national newspapers, all of which are available on its dynamic and interactive website [9, 13]. A national journalist describes StopWatch as 'one of the most proactive and prominent community advocacy groups working in this field' and its advocacy as 'credible and sober' [11].

Impact on police practice. In 2009-10 the EHRC appointed Bowling as its sole external advisor to a major project aiming to reform police stop and search. Working closely with the EHRC, Bowling indicated sources of data, scrutinised the use and interpretation of that data, and helped the Commission to draw conclusions and to develop a robust narrative. According to a senior EHRC official, Bowling's research [3, 4] provided the foundation for the approach taken in the report that disproportionality in stop and search was de facto indicative of unlawful racial discrimination thereby giving the EHRC the confidence to proceed against offending police forces on this basis [8]. Moreover Bowling's concept of 'good enough policing' provided the EHRC with the conceptual framework required by it to work constructively with offending police forces [8]. In addition to providing the report with its underpinning conceptual foundation and framework, Bowling's research is drawn on extensively in the final report [6], including seven direct references and explicit acknowledgement of Bowling's contribution. *Stop and Think* concludes with a 'vision of 'good enough' policing', thereby placing Bowling's concept at the heart of the analysis and advocating a method of engagement inspired by this approach [8].

Following its publication in April 2010, the impact of the EHRC report has been wide-ranging and significant. Based on the report's findings, the EHRC entered into negotiations with five poorly performing police forces, initiating legal enforcement action against two forces using its powers under the Equality Act 2006. Following negotiation with the EHRC, and the implementation of training and development packages based on *Stop and Think*, all five forces committed to take steps to improve their stop and search practice. Their progress was tracked by the EHRC and reported in its follow up report, *Stop and Think Again*, published in May 2013 [7] and widely reported in the UK press. This report shows that in all police forces targeted by the EHRC, levels of disproportionality fell and the 'hit-rate' for stops rose. Use of the power fell in all five forces by between 20% and 50% concurrent in some forces with downward crime trends. Senior officers from both the EHRC and the police acknowledge Bowling's significant contribution to this result [8, 12].

In March 2011, the government introduced changes to the Police and Criminal Evidence Act (PACE) Code of Practice A allowing police forces discretion to choose whether or not to record 'stop and account' (introduced following the Lawrence Inquiry). Bowling worked with StopWatch to produce a briefing note, based on his research [3, 4], arguing that the evidence showed that recording was important to inform people why they had been stopped and hold the police to account [10]. This was submitted to the Metropolitan Police Authority consultation and Bowling spoke at the hearing. The consultation concluded that recording was important for fairness, effectiveness, transparency and accountability and overwhelmingly supported by the public. Following this intervention, the Metropolitan Police decided to continue to record stop and account.

In recent months there have been welcome new developments. In July 2013, the Home Secretary launched a public consultation on use of stop and search powers. Reporting on this announcement, the BBC referred to *Stop and Think Again* noting that the reduction in stop and search as reported by the EHRC had not compromised crime reduction [14]. The Home

Secretary's announcement foreshadowed the release of a report by Her Majesty's Inspectorate of Constabulary (HMIC) later the same month on the use by police of stop and search powers. This report cites both EHRC reports and a senior officer within the HMIC confirms that the HMIC's thinking in preparing its report had been influenced by the 2010 EHRC report and Bowling's research in particular [12].

5. Sources to corroborate the impact

5. **The Stephen Lawrence Inquiry Report (1999)** (also known as the Macpherson Report); <http://www.archive.official-documents.co.uk/document/cm42/4262/4262.htm>. Bowling's work was cited at §6.33 Volume 1 and Volume 2, Appendix 17.
6. **Equality and Human Rights Commission (2010), *Stop and Think*. London.** Bowling's contribution is cited on pages 4, 54, 57, 71.
7. **Equality and Human Rights Commission (2013), *Stop and Think Again*.** This corroborates significant improvements in police practice resulting from the EHRC's engagement with police forces following the *Stop and Think* report.
8. **Statement from the Public Services Director, EHRC**, who corroborates Bowling's key contribution to the EHRC report *Stop and Think*, including the report's extensive use of Bowling's research and that his concept of 'good enough policing' forms the report's conceptual basis.
9. **Statement from Programme Officer, Open Society Justice Foundation**, who corroborates the significant contribution by Bowling to the establishment of StopWatch and his continuous and ongoing contribution to StopWatch as a key and active member and contributor to its activities. She also corroborates and provides details of the role played by StopWatch, including bringing research findings into the public debate.
10. **2011 Stopwatch paper on 'stop and account'**, which corroborates the contribution of StopWatch to the debate as to whether to change police recording practices.
11. **Statement from Crime Correspondent, The Guardian**, who says that StopWatch plays a leading role as a stop and search community advocacy group and corroborates the key contribution made by Bowling including attributing his work to helping to bring about a change in government attitude.
12. **Statement from the Inspector of Constabulary, HMIC**, who corroborates that in preparing its recent report on stop and search (July 2013) the HMIC's thinking had been informed by the EHRC reports and Bowling's research in particular and that the EHRC's approach as informed by Bowling's research has contributed to making the police use of stop and search fairer, more efficient and more effective.
13. **Statement from former chair of the Home Secretary's stop and search panel, chair of the StopWatch founding conference at King's and current member of the House of Lords** who corroborates the impact of StopWatch generally, and Bowling's research and activities specifically, in shaping public policy debate and helping the police make fairer, more economical and effective use of its powers of stop and search.
14. **Media coverage:** includes the BBC, The Guardian, South Florida Times, New Zealand Herald, Fox News, Time Out, Southwark News, BBC London, Colourful Radio, London Tress, The Times, and the Sunday Times. A full list of media coverage and reviews relating specifically to the theatre play can be found under <http://www.stop-watch.org/about-us/stream-of-work/stop-search-the-play>.