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## The ‘usual suspects’? Young people’s experiences of police stop and search powers in Northern Ireland

John Topping and Dirk Schubotz

### Introduction

The ability of the Police Service of Northern Ireland (PSNI) to stop and search citizens remains as a long-standing power. Setting aside security-related stop and searches, these ‘everyday’ powers are governed primarily under the Police and Criminal Evidence (NI) Order 1989 (PACE) and the Misuse of Drugs Act 1971 (MDA), and account for the majority of police stop and searches in the country. While identical powers in England and Wales have attracted controversy for over 30 years (Bradford, 2017), debates around their use have remained conspicuous by their absence from academic or policy debate in Northern Ireland.

It is of note that PSNI’s use of stop and search between 2004/5-2015/16 increased by 74%, with the PSNI using these ‘everyday’ powers at a rate of 13 per 1000 of population with a 6% arrest rate compared to 5 per 1000 and a 17% arrest rate in England and Wales. But particularly for children, it is only since 2017 that age-related stop and search figures have been publicly available, with approximately 28,000 uses of stop and search powers against children over the past six years (Topping, 2017). It is particularly 15-17-year old males who exist as the primary focal point of PSNI stop and search attention,



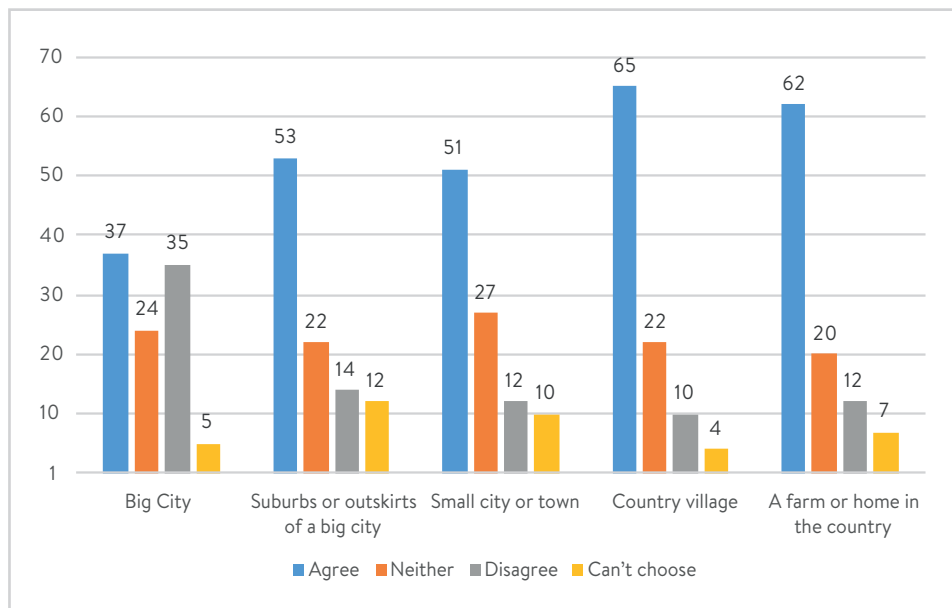
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subject to stop and search at a rate of 82 per 1000 – or four times higher than their number relative to population.

The 2017 Young Life and Times (YLT) survey provides for the first time in PSNI’s history, a comprehensive dataset related to 16-year olds and their attitudes and experiences of

stop and search practice. While over a decade of research in the country has pointed to the fact stop and search exists a critical, negative juncture for young people’s interactions with PSNI more generally, the current survey was designed to elicit understanding of stop and search practice from the perspective of young people directly.

**Figure 1. How much do you agree or disagree that young people in your area are treated fairly by the PSNI? By place of living (%).**



who said they lived in a 'big city' were significantly less likely to agree with this statement. Of those living in a big city, only 37% agreed, while 35% disagreed that the PSNI treated young people fairly (Figure 1).

There was also a significant difference between Catholics and Protestants in this respect. Whilst 49% of Catholics and 50% of respondents with no religious affiliation agreed or strongly that the PSNI treated young people fairly in the area where they lived, this proportion was much higher amongst Protestants (65%). This difference was compounded when asked whether or not respondents lived in mainly Loyalist or Republican areas. 62% of those living in mainly Loyalist areas agreed that young people were treated fairly by the police, but only 40% of those who lived in mainly Republican areas agreed. 59% of those who said they lived in neither a Republican nor a Loyalist area agreed, and 53% of those who said they could not decide whether their area was Republican, Loyalist or neither. This suggests that despite a relatively 'normalised' police environment across the country, identity and location is strongly associated with whether 16-year olds feel that the PSNI treat them fairly (or not).

Given the recent, significant reforms to stop and search practices in England, Wales and Scotland (Bradford, 2017), this survey represents not only a timely analysis, but a window into the legal and procedural propriety with which the power is being used against children by PSNI. Furthermore, with the Northern Ireland Policing Board (NIPB) having been in receipt of age-related stop and search figures since 2011 (NIPB, 2013), this survey speaks to wider issues of the extent to which PSNI are held to account for use of

the power against children and young people.

### 16-year olds' perception of fair treatment by the PSNI

At a general level, just over half (54%) of YLT respondents agreed or agreed strongly that young people in their area are treated fairly by the PSNI, with 14% who disagreed or disagreed strongly. Males and females were just as likely to agree or disagree with this statement. However, those

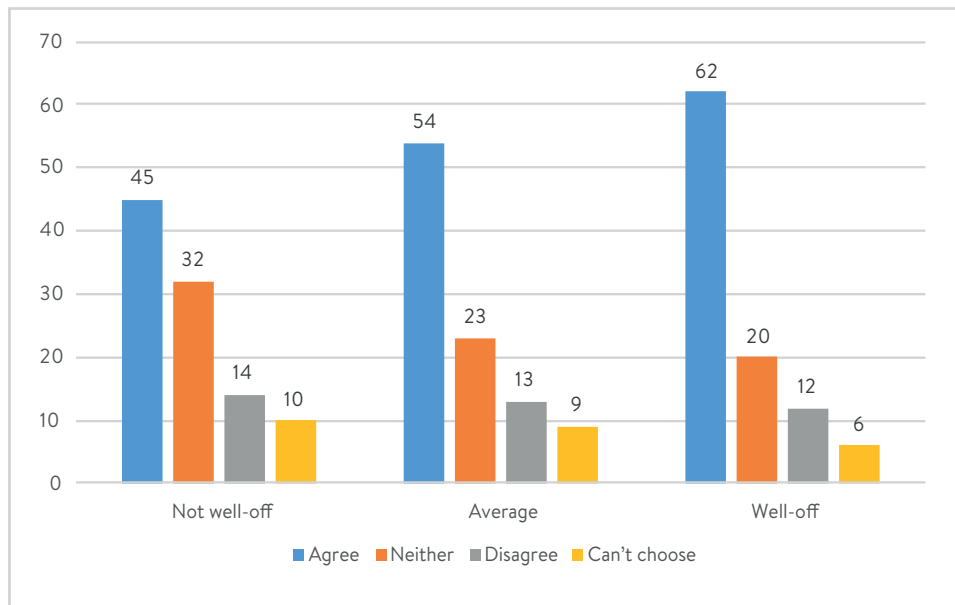
**Table 1: How much do you agree or disagree that young people in your area are treated fairly by the PSNI? By family financial wellbeing and religious character of the area in which respondents live (%)**

	%								
	Not well-off			Average well-off			Well-off		
	Cath	Prot	Mixed	Cath	Prot	Mixed	Cath	Prot	Mixed
Agree	37	61	33	50	65	50	57	67	78
Neither	26	29	48	20	20	29	11	19	11
Disagree	26	7	7	20	10	11	23	10	0
Can't choose	11	4	11	10	5	11	9	5	11

The data also shows a strong relationship between respondents' family-financial background and their attitudes to the PSNI. Respondents from well-off or very well-off family-financial background were much more likely to agree that young people in the areas where they live are treated fairly by the PSNI (Figure 2).

Table 1 (below) highlights the significant difference in attitudes towards the police when both the family financial backgrounds and the religious make-up of the area in which young people live is taken into consideration. Whilst 78% of young people from well-off backgrounds who live in mixed religion areas agree that the police treat young people in their area fairly, only 37%

**Figure 2. How much do you agree or disagree that young people in your area are treated fairly by the PSNI? By family financial wellbeing.**



of 16-year olds from not well-off Catholic backgrounds agree with this, compared to 61% from Protestant not well-off areas. As the Table shows, the sense that the police treat young people fairly is reasonably consistent amongst all Protestants, but much weaker amongst not well-off Catholics than well-off Catholics. Remarkably, not a single respondent from a well-off background in mixed

religion neighbourhoods felt that the police did not treat young people fairly.

### Knowledge about stop and search rights

Beyond general attitudes to fairness of treatment by PSNI, respondents were asked a range of questions to elicit their understandings and direct

experiences of PSNI stop and search practice. **Table 2** shows from a well-off background of respondents (81%) understood that PSNI must have reasonable grounds to use stop and search powers. However, over half believed merely looking suspicious (54%) was grounds for PSNI to engage a stop and search, while 63% felt it was mandatory to hand over their details when subject to stop and search. This demonstrates a rights-based, knowledge gap between the legal basis of stop and search and rights of respondents when subject to the power (see **Table 2**).

### Stop and search experiences – process & procedure

Reflecting PSNI stop and search age-related data, one in ten 16-year olds had been stopped and searched by the PSNI during the last 12 months - most of these 16-year olds just once, but a small proportion (1%) more than three times. 34% of YLT respondents further stated that their friends or classmates had been stopped and searched in the same 12-months period. One in five respondents said that this happened rarely, 13% said it happened sometimes, and 2% said this had happened often. This suggests that young people are experiencing stop and search encounters at a higher rate than is formally being recorded in PSNI official statistics.

It is significant that of respondents who had direct stop and search experience, 69% indicated they have been given no clear reason for being stopped; while only 41% were physically searched when stopped. This would indicate that in majority of cases, the legal threshold for 'reasonable suspicion' is not being met to engage a stop and search when a reason is not or cannot be given; or respondents are being subjected to a legally groundless process of 'stop and account' (except in relation to terrorist legislation). Or in other terms, respondents indicated they were being detained without legal basis, with the limited proportion

**Table 2: Proportion of respondents thinking these following statements are true or false**

	%		
	True	False	Unsure
The police have the right to stop and search you and they don't need to give you a reason.	16	78	7
The police need to have reasonable grounds to think that you might commit a crime before they can stop and search you.	81	11	8
The police can stop and search you if they think you look suspicious.	54	36	10
The police have the right to move you on if you are gathered in a group and are 'hanging around'.	59	27	14
The police should stop and search young people more often as young people are more likely to be involved in anti-social behaviour.	18	70	13
If you are stopped by the police you have to give them your name and address if they ask for it.	63	26	12

of physical searches (41%) after being stopped suggesting the basis of the stop was a reason *other* than preventing or detecting crime.

Very significantly in terms of respondent rights and PSNI accountability, in 88% of direct stop and search experiences, officers failed to provide identifying details such as their name or station; and 90% of respondents said no details were recorded on an electronic device, and no receipt or record of the encounter was provided. In effect, this demonstrates that PSNI officers are not following their own training, or national standards of stop and search practice when it comes to stop and search of respondents (College of Policing, 2018). And of subtle note, over half (57%) of 16-year olds noted their name and address were recorded in the officer's notebook, suggesting an informal practice and approach to stop and search as a form of 'warning'.

### Stop and search experiences – geography & income

In terms of geography, young people living in urban locations were much more likely to have been stopped and searched than young people living in more rural locations. For example, 21% of big city respondents and 19% of those living in the suburbs or outskirts of a big city reported their friends had been stopped and searched often or sometimes. This was compared to

just 11% of self-defined countryside dwellers. Furthermore, only 8% of respondents who lived in a home in the country said they had direct experience of being stopped and searched, compared with 18% of young people who lived in a big city or its suburbs or outskirts.

In terms of family financial wellbeing, respondents from not well-off backgrounds (18%) were over twice as likely to have been stopped and searched by the police compared to those from average well-off (8%) or well-off (7%) backgrounds.

In sum, the findings demonstrate clearly that it is 16-year olds from urban, socio-economically less well-off backgrounds who are experiencing proportionately more PSNI stop and search. This concurs with the idea that 'stop zones' exist - that areas defined by certain socio-economic traits will be more likely to be experience stop and search practices (Bradford, 2017).

### Stop and search experiences – outcomes & effect

In regard to the impact direct stop and search experiences were having on 16-year olds, 31% perceived the encounter as unnecessary harassment, whilst 43% disagreed with this statement (Table 3). But when taken with neutral responses, in total 55% were experiencing the stop and search encounter as something

less than positive. There were additional, significant differences in responses when religion and family financial background were controlled. For Catholic respondents from not well-off backgrounds, 41% experienced stop and search as unnecessary harassment compared to only 27% of Protestants. This figure rose to 56% for those self-defined as Republican / not well-off.

But of note, 35% of respondents subject to the stop and search experience said it resulted in more negative attitudes to the police in general, although again a larger proportion of 16-year olds (44%) disagreed that this had that effect. When controlled for income, not well-off were much more likely (38%) than average income (28%) to say the encounter made them think more negatively of PSNI, reflecting the wider relation between income and fairness of treatment. Although oddly, 36% of well-off agreed too, perhaps indicating that encounters with police were in fact rare occurrences and when they did happen, it was unexpected or undesirable.

Another significant variation in regard to police stop and search is leaving a negative impression of the PSNI related to religion and identity. It was observed that 37% of Catholic and 43% of Republican respondents felt the stop and search encounter made them think more negatively of PSNI compared to 27% of Protestant and 25% of Loyalist respondents. Again, these variations reflect the wider findings in relation to fairness, possibly indicating that PSNI are symbolic of wider relational problems with young people, regardless of the encounter. This is particularly so when 60% of those stopped and searched agreed that PSNI officers had in fact treated them fairly and respectfully, with 19% disagreeing.

**Table 3. Proportion of respondents agreeing or disagreeing that...**

	%			
	Agree	Neither	Disagree	Don't know
...being stopped by the police was just harassment and unnecessary	31	24	43	2
...the officers treated them fairly and respectfully	60	19	19	2
...the contact with the police made them think more negatively in general about the police	35	22	44	0

The findings reinforce policing research more generally which shows that prior contact with police has a negative, prejudicial effect (Bradford, 2017). It should also be noted from research that negative experiences of police encounters also have disproportionately more impact than positive ones (Skogan, 2006).

We also found a gender difference in relation to the perception of fair and respectful treatment. Two thirds (67%) of females who had been stopped and searched agreed that they had been treated respectfully and fairly, but only 54% of males did. 41% of males felt these encounters were unnecessary harassment, but females were less than half as likely to agree with this statement (19%).

## Conclusion

In overview of this analysis, as the first of its kind for policing in Northern Ireland, the consistent finding to emerge is that young males

from urban, socio-economically deprived backgrounds are being disproportionately stopped and searched by the PSNI and have the least sense of actual and perceived fairness of treatment. In turn, the data shows that not only is stop and search having a significant, negative impact on 16-year olds in general, but those negative impacts are being experienced more prominently by Catholic and Republican 16-year olds compared to those defined as Protestants / Loyalist. This does not at all suggest that stop and search is being used disproportionately or at different rates across religious lines, not least because that data is not collected. But the fact remains that young people from those areas are still experiencing and perceiving stop and search differentially.

Additionally, the data also provides the first independent analysis of *how* PSNI are using stop and search against 16-year olds. As evidenced, the power to stop and search under

PACE and MDA, in the majority of cases, does not appear to be meeting the legal threshold for use in terms of reasonable suspicion when the reasonable grounds are not or cannot be produced; is not being used according national standards from the College of Policing (2017); and official records are not being systematically kept by PSNI officers when a stop and search encounter is engaged. On the one hand, this would indicate that *more* stop and search against children is happening and that official, systematic recording practices around the use of stop and search against young people, remains questionable. And on the other hand, PSNI are not and cannot be fully held to account for use of stop and search powers against children set against their obligations under section 75 of the Northern Ireland Act 1998 or the UN Convention on the Rights of the Child inscribed into PSNI stop and search Code of Practice A (DoJ, 2015; PSNI, 2017).

## Key Points

- Urban, less well-off 16-year olds have significantly lower perceptions and experiences of fairness in treatment by PSNI, particularly concentrated in Catholic and self-defined Republican areas.
- 16-year olds from Catholic, less well-off backgrounds are significantly more likely to perceive stop and search as a form of unnecessary harassment than Protestants.
- Based on the significant majority of responses from 16-year olds, the procedural and legal propriety with which PSNI are using stop and search powers has been called into question.
- The overall data evidences that stop and search, as the most common, adversarial contact between PSNI and children should be subject to much greater levels of monitoring and oversight.
- 16-year olds need to be more educated and informed about their rights when subject to stop and search contact with the PSNI.

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