

Case study

Equality and Human Rights Commission: Working with police forces on stop and search

In 2010, the Equality and Human Rights Commission (EHRC) published its '[Stop and think](#)' report, which focused on the use of stop and search powers by the police. This work was underpinned by a number of human rights considerations. The power to stop and search constitutes a deprivation of liberty and as such should be exercised in accordance with Article 5 of the ECHR (the right to liberty and security of person). The use of the power must also be compatible with Article 8 (the right to respect for privacy) and Article 14 (the right not to suffer discrimination in the enjoyment of other ECHR rights). This means that use of the power must be legal, proportionate and non-discriminatory.

The research showed that a black person was at least six times as likely as a white person to be stopped and searched by the police in England and Wales, and an Asian person was twice as likely to be stopped and searched. The EHRC concluded that the current police use of stop and search powers may be unlawful, disproportionate, discriminatory and damaging to relations within and between communities. It recommended that police services should strive to work fairly and effectively while respecting basic human rights.

Following publication of the 2010 report, the EHRC continued to monitor the use of stop and search in the five forces with the highest rates of disproportionality. It entered into formal legal agreements under section 23 of the Equality Act 2006 with two of those forces to address concerns and to work with them to avoid any further breaches of the Equality Act 2010.

The final follow up report, '[Stop and think again](#)' published in 2013, found that, as a result of the 18-month action programme supervised by the EHRC, the police forces had reduced their unfair use of stop and search powers by up to 50 per cent in some cases. There had also been a fall for some forces in disproportionate usage against ethnic minorities, alongside a continued reduction in crime rates.