



Home Office

# Stop & Search Manual



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## Ministerial foreword

Stop and search continues to be a high-profile feature of policing. When it is used fairly it is key to the development of good relations between the police and communities. However, when used inappropriately stop and search is ineffective and can damage these relationships.

The Stop and Search Action Team (SSAT) was set up in July 2004 to help ensure that the police use the stop and search power fairly and as effectively as possible to prevent and detect crime. SSAT was set up specifically to put in place measures to increase the black and minority ethnic community's confidence in the way the police use this power and to reduce its disproportionate use against them.

We would like to thank all forces for their support and, in particular, Cleveland Police, Dorset Police, Leicestershire Constabulary, the Metropolitan Police Service and Nottinghamshire Police for their work with the team on good practice.

Police responsibility does not end with making proper use of stop and search powers. Police authorities have key roles to publicise people's rights in relation to stop and search, engage communities in publicising the benefits of stop and search and, where there is evidence of disproportionate use, to explore why and look at what can be done to remedy it. Recommendations 62 and 63 of the Stephen Lawrence Inquiry Report clearly set out the roles of police authorities in this area.

### Hazel Blears



This manual builds on guidance already issued as well as identifying good practice. It has been informed by consultation and we are grateful to all those who responded. One key message from the consultation was that a separate community focused document was needed, and we will be asking the SSAT community panel to take this forward. The purpose of this document is to set out for the benefit of police forces and police authorities:

- > the powers of stop and search that are available to the police and how they should be exercised;
- > the responsibility to record stops and to give a record to the person stopped as from 1 April 2005 (this is about accountability, not bureaucracy, and should not be a long drawn-out process);
- > concerns surrounding the disproportionate use of stop and search powers against black and minority ethnic communities and what can be done to address these; and
- > research and good practice findings.

We encourage all forces and police authorities to use the guidance and good practice in this manual to inform your local stop and search practices and to engage effectively with your communities.

### Baroness Scotland



## Executive summary

This manual has been produced by the Stop and Search Action Team (SSAT). The team was set up in July 2004 to look at the problems associated with the use of stop and search powers. As well as covering existing research on this subject, SSAT worked with a number of different forces to identify difficulties on the ground and to find examples of good practice.

The manual is designed to offer practical guidance and sound advice for police and police authorities.

### Focus on disproportionality and community relations

One of the main problems with stop and search has been its disproportionate use against black and minority ethnic communities. This has damaged police relations with many of these communities.

Disproportionality is a complex issue influenced, as the manual explores, by various factors. It continues to be researched but not at the cost of action to reduce it. Disproportionality can be reduced – and community relations improved – only with a concerted effort and through the clear definition of responsibilities at every level.

Improved data recording and monitoring systems, that operate at the level of individual officers' activities can pick inappropriate use of powers up early, making it easier to nip any problems in the bud.

It is important that training for the police at all levels addresses the issues that affect disproportionality. Clearly, training must ensure familiarity with the race equality duty, but it should also go beyond this to cover, for example, the cultural context of various local communities and other diversity issues.

Properly trained officers are expected to take responsibility for their own behaviour. However, their first-line managers and more senior managers are responsible for ensuring that officers are fully and properly briefed, using the best available intelligence, before they go on to the street. This will ensure they are targeted in their approach, and minimise the scope for discrimination to creep in.

Officers have a duty to report discriminatory behaviour in other officers, and managers at every level must follow up complaints and any irregularities that show up in the reporting data. Managers must also ensure that their teams know they will treat seriously all instances of discrimination.

A proactive approach to working with local communities should include publicising people's rights under stop and search, investigating and providing feedback on complaints, discussing future stop and search activity and making available information on the use of these powers, so that members of the community can judge issues of fairness and effectiveness.

### The scope of this manual

This manual is intended to be a comprehensive guide to the practice of stop and search. Its Recommendations (p 10) cover responsibilities in the areas of policy, operations, supervision/monitoring, community and training.

Recommendations are made separately for each of the following groups:

- > police authorities;
- > chief constables;
- > basic command unit (BCU) commanders;
- > sergeants;
- > constables;
- > BCU intelligence teams;
- > force command and control teams;

- > heads of force training departments;
- > force corporate communications teams; and
- > the Independent Police Complaints Commission.

The Recommendations outline who should be doing what. The main chapters go on to explain in detail *how* they should be doing it.

**Chapter 1** explains the stop and search powers and codes of practice. It also details the Association of Chief Police Officers' (ACPO) guidelines on strategic and tactical responsibilities within individual forces.

This chapter distinguishes between the usual stop and search powers based on 'reasonable suspicion' and the exceptional powers as outlined in section 60 of the Criminal Justice and Public Order Act 1994 and section 44 of the Terrorism Act 2000.

Chapter 1 also covers the Schengen Information System and confirms that the Article 99 Alerts it generates cannot be used as grounds for a search; nor do they increase stop and search powers in any way.

The chapter closes with ACPO guidelines on responsibilities for stop and search within forces.

**Chapter 2** explains observed police practice in four forces and one metropolitan borough. The aim was to discover causes of disproportionality and to highlight instances of good practice.

Disproportionality was found to vary widely between forces.

There was generally a high level of community support for stop and search in principle as a way of dealing with serious crime. However, most experiences of stops and searches were negative, and community concerns tended to focus on *who* was stopped and *why*, and on the nature of the interaction.

Force policies on stop and search and how they were applied and monitored varied widely. Some police were critical of PACE guidelines for not including a definition of 'reasonable suspicion'; some also felt that government initiatives led directly to a rise in disproportionality.

Chapter 2 also includes comments and observations on the practices of different forces with regard to supervision, form filling, complaints and so on.

**Annexes G and H**, a stop and search template and a supervisors' toolkit, are intended as practical reference guides for the police.

**Chapter 3** emphasises the need for training and details the training packages that are available. It also explores the various roles and responsibilities involved in supervising and monitoring stop and search activity.

Training in stop and search should be given to police at all levels and should cover the legal issues, the practical application, supervision and monitoring of the powers, and the appropriate professional and social skills.

Chapter 3 goes on to recommend specific training packages and to stress the value of involving community members in training.

However, training alone is not enough. It needs to be backed up with active supervision and 'leading by example'. Supervisors need to check not just their teams' forms and data, but also observe their practice. This active approach to monitoring should also be reflected in the work of police authorities.

The chapter ends with a description of the police Race and Diversity Strategy for 2004–2009, which represents a new approach to community and race relations training. The strategy covers not just race but also gender, sexual orientation, disability, age and religion/belief.

**Chapter 4** is about the availability of information. It explains the Police Performance and Assessment Framework (PPAF) works, and how stop and search data is measured. It also covers the Annual Data Requirement and the British Crime Survey as they relate to stop and search.

The PPAF is an initiative designed to improve police performance through the use of fair and objective performance measures. Its results for 2004/5 will be published. It includes measures to assess the fairness and equality of stop and search practices, and results will be analysed by ethnicity.

The Annual Data Requirement specifies what information the police must record in order to provide a streamlined service for central government. The number of stops conducted, by ethnicity, is being added to the requirement for 2004/5.

From 2005/6 the British Crime Survey (a national survey conducted and published independently of the police) will add a question on community confidence in stop and search.

**Chapter 5** addresses complaints and covers the work of the Independent Police Complaints Commission (IPCC).

Most complaints stem from stops that have been carried out badly. It is vital that forces treat complaints as useful intelligence, and address the issues they raise.

The IPCC governs the complaints framework and may become directly involved in resolving complaints. It can also call in certain categories of complaint so that it, rather than the force concerned, deals with them.

**Chapter 6** sets out the responsibilities of police authorities with relation to stop and search, and includes a checklist for reference. It also explains the value of community consultation and involvement and explores ways to achieve this.

Each police authority has a duty to ensure that its communities have trust and confidence in their police force. In relation to stop and search this includes fulfilling requirements as set out in the Stephen Lawrence Inquiry Report and under the race equality duty. A checklist of questions for police authorities is designed to highlight areas most in need of their attention.

Developing a partnership approach with local communities is key to improving their confidence in stop and search. Chapter 6 suggests some useful starting-points for this and recommends a Home Office guide for further help.

Finally, the **Annexes** contain extra information for reference and guidance. These include the full text of PACE code A, a summary of main stop and search powers and of the new recording, monitoring and reporting responsibilities.

# Glossary

|                           |   |
|---------------------------|---|
| <b>ACPO</b>               | Association of Chief Police Officers  |
| <b>ADR</b>                | Annual Data Requirements  |
| <b>ANPR</b>               | Information on vehicles, which is linked to the Police National Computer  |
| <b>APA</b>                | Association of Police Authorities   |
| <b>BCU</b>                | Basic Command Unit  |
| <b>BCS</b>                | British Crime Survey  |
| <b>BME</b>                | Black and Minority Ethnic   |
| <b>Centrex</b>            | Central Police Training and Development Authority   |
| <b>CRE</b>                | Commission for Racial Equality  |
| <b>CSO</b>                | Community Support Officers  |
| <b>Disproportionality</b> | Disproportionality can be described as when people from a certain group, for example Black or Asian people, are more likely to be stopped and searched in relation to their numbers in the population compared to the white population.   |
| <b>HMIC</b>               | Her Majesty's Inspectorate of Constabulary  |
| <b>Intelligence</b>       | The result of the gathering and collating of information from a variety of sources to assist police officers in the prevention, reduction and detection of crime and other incidents. It also includes quality of life issues that impact on individuals and groups within communities. |
| <b>IPCC</b>               | Independent Police Complaints Commission  |
| <b>IT</b>                 | Information Technology  |
| <b>LCJB</b>               | Local Criminal Justice Board  |
| <b>MPA</b>                | Metropolitan Police Authority   |
| <b>MPS</b>                | Metropolitan Police Service   |
| <b>NBPA</b>               | National Black Police Association   |
| <b>NCALT</b>              | National Centre for Applied Learning Technologies   |
| <b>NCPE</b>               | National Centre for Policing Excellence   |

|  |  |
|--|--|
| <b>NIM</b>   | National Intelligence Model  |
| <b>PACE</b>  | Police and Criminal Evidence Act 1984  |
| <b>PC</b>  | Police Constable   |
| <b>PITO</b>  | Police Information Technology Organisation   |
| <b>POP</b>   | Practice-orientated Package  |
| <b>PPAF</b>  | Police Performance and Assessment Framework  |
| <b>Recommendation 61 of the Stephen Lawrence Inquiry</b> | That the Home Secretary, in consultation with Police Services, should ensure that record is made by police officers of all 'stops' and 'stops and searches' made under any legislative provision (not just the Police and Criminal Evidence Act). Non-statutory or so-called 'voluntary' stops must also be recorded. The record to include the reason for the stop, the outcome, and the self-defined ethnic identity of the person stopped. A copy of the record shall be given to the person stopped. |
| <b>Race Equality Duty</b>                                | The duty imposed by S 71(1) of the Race Relations Act 1976 and the accompanying 'specific duties' imposed by Orders made by the Home Secretary.  |
| <b>RES</b>   | Race Equality Strategy   |
| <b>RIPA</b>  | Regulation of Investigation Powers Act   |
| <b>Section 44</b>  | Section 44 of the Terrorism Act 2000. This gives the power to search for articles which could be used for a purpose connected with the commission, preparation or instigation of acts of terrorism.  |
| <b>Section 60</b>  | Section 60 of the Criminal Justice and Public Order Act 1994 as amended by s8 of the Knives Act 1997. This gives the power to search for offensive weapons or dangerous instruments to prevent incidents of serious violence or to deal with the carrying of such items.   |
| <b>Section 95</b>  | Section 95 of the Criminal Justice Act 1991. This requires the annual publication by the Home Office of statistics on race and the criminal justice system.  |
| <b>SIS</b>   | Schengen Information System  |
| <b>SLIR</b>  | Stephen Lawrence Inquiry Report (see entry below)  |
| <b>SMT</b>   | Senior Management Team (at basic command unit level)   |
| <b>SSAT</b>  | Stop and Search Action Team  |
| <b>Stephen Lawrence Inquiry Report</b>                   | <i>The Report of the Inquiry into the matters arising from the Death of Stephen Lawrence</i> (February 1999).  |
| <b>TACT</b>  | Terrorism Act 2000   |

# Recommendations

The following is a summary of recommendations for all those involved in the stop and search process. The recommendations also explain their responsibilities.

The responsibilities are set out by role. For clarity we have grouped the responsibilities within each role under the following headings, wherever appropriate:

- > policy
- > operation
- > supervision/monitoring
- > community
- > training.

## ALL should ensure that:

- > they have regard to the stop and search template (good practice guide) for relevance in their area. See **Annex G**.

## POLICE AUTHORITIES should ensure that:

### Policy

- > One or more police authority members have responsibility for stop and search issues, to mirror arrangements for an **Association of Chief Police Officers (ACPO)** officer.
- > They implement the action plan contained in the **Association of Police Authorities (APA)** report 'Lawrence Recommendation 61 – the recording of police stops'.
- > They consult with the local communities and take their views into account in agreeing/approving the force stop and search policy.
- > They agree with the chief officer measures of effectiveness of the use of stop and search.
- > They introduce a feedback mechanism after an encounter, such as a dedicated contact number that can also receive text messages.

### Supervision/monitoring

- > The members with responsibility monitor the force's stop and search data across all legislation and reports any significant changes to the full authority. This should be done on a quarterly basis.
- > Members use the stop and search data to question and challenge the chief officer on the use of stop and search and in particular on levels of **disproportionality**.
- > They have systems in place to hold forces to account for inappropriate or discriminatory use of the power.
- > If it is found through the investigation of a complaint that their force was using the power inappropriately or in a discriminatory fashion, they have systems in place to hold the force to account.

### Community

- > They act as a bridge between the police force and the full range of the diverse communities they serve.
- > Summary records of stop and search activity are available for scrutiny by members of the community and their availability is widely publicised.
- > Communities are consulted on the police use of the power and receive feedback on the results of the consultation.
- > Communities understand the local implications of **section 95** figures.
- > They continue to publicise people's rights in relation to stop and search (including putting section 95 figures in a local context for the local community)

### Training

- > Police training on stop and search covers the concerns of the local communities.

## CHIEF CONSTABLES should ensure that:

### Policy

- > There is a clear written policy on the use of stop and search, that it is communicated to all officers and civilian staff and that it is reviewed annually.
- > The policy is readily available to the public and its availability is publicised.
- > The range of actions that could be taken against officers who consistently use stop and search powers with no sound reason is clearly outlined in the policy.

### Operation

- > Frontline officers are using stop and search in line with the **Police and Criminal Evidence Act 1984 (PACE)**, force policy, force intelligence and instructions given to them in tasking meetings and briefings, as well as other relevant legislation such as the Human Rights Act 1998.

### Supervision/monitoring

- > There is a named **ACPO** lead for stop and search.
- > They are able to explain to local communities the reasons for **disproportionality**, if any, within their force.

### Community

- > A summary of all stop and search records is available to members of the public.
- > **Section 95** figures are put into a local context for the local community.
- > Local communities are encouraged to participate in developing force stop and search policies, consultations, scrutiny and training.

### Training

- > All officers are adequately trained in stop and search (see **Chapter 3** for more information).

## BASIC COMMAND UNIT (BCU) COMMANDERS should ensure that:

### Policy

- > Force policy is communicated to and fully understood by all officers working within their area of command.

### Operation

- > Tasking meetings are used to direct the use of stop and search towards local problems and priorities in accordance with the **National Intelligence Model (NIM)**.
- > There is a strong link between tasking and briefing meetings through management checks.
- > All staff, including specialist staff, are fully conversant with current briefing materials, force intelligence, tasking meetings and briefings, as well as with the force stop and search policy and **PACE**.
- > Stop and search is used effectively. This could be done in liaison with the operations managers by setting joint objectives and linking stop and search directly to tackling local crime problems.
- > Facilities are available for effective briefing, for example, computer monitors for displaying **intelligence** information.
- > The tasking process is free from racial discrimination, stereotyping or profiling not based on **intelligence**.

### Supervision/monitoring

- > stop and search activity is monitored to ensure that it is informed by intelligence from tasking meetings and is conducted in line with force policy. This should be done by occasionally attending briefing meetings and observing frontline officers on duty.
- > The patterns of use of stop and search within their area of command are monitored to ensure the power is exercised in accordance with **PACE**.
- > They set up systems that will produce regular analysed data on the level of **disproportionality** against particular powers and that this data is passed on to the chief constable and police authorities.

- > Any disproportionate use of the powers by particular officers or groups of officers is identified and followed by face-to-face enquiries to address any possible discrimination or other inappropriate behaviour.

### Community

- > There is agreement with the local communities on what the priorities and measures of effectiveness of stop and search should be.
- > Communities are informed (where time constraints allow) when and why they intend to use **Section 60** stop and search to deal with sensitive policing issues.
- > Feedback is given to local communities following extensive use of stop and search, for example, using **section 60** and **section 44**.

### Training

- > All operational officers receive adequate stop and search training, particularly on their legal and procedural powers.
- > All supervisors receive training on how to conduct briefings.
- > All crime analysts/members of the **BCU** intelligence unit have had adequate training.

## FIRST-LINE SUPERVISORS (sergeants) should ensure that:

### Policy

- > They are aware of and fully understand the force policy on stop and search.
- > All officers working within their command are aware of and fully understand the force policy on stop and search.

### Operation

- > Frontline officers are using stop and search in line with force intelligence and briefings as well as with force policy and **PACE**.
- > Briefing is in line with local tasking priorities.
- > They are satisfied that frontline officers have fully understood the daily briefing. They should do this through debriefing, when time permits.

### Supervision/monitoring

- > Every stop and search record/form that is submitted is examined and any anomalies are dealt with appropriately.
- > They satisfy themselves that records are completed for all stops and searches conducted, to avoid under-recording.
- > The stop and search activity of each officer within their command is monitored for any inappropriate behaviour, such as discrimination, stereotyping or inappropriate generalisations. They should also ensure that any inappropriate behaviour is challenged and dealt with accordingly.
- > Emphasis is put on the quality rather than the quantity of stops and stop and search interactions.
- > They monitor any public complaints or comments concerning any officers within their command with regard to stop and search and provide feedback to officers on the results of the complaints/comments.

### Community

- > Feedback is given to the community on the progress or result of a complaint on stop and search.

### Training

- > They refresh their own knowledge on stop and search and are fully up to date on their stop and search training, particularly with regard to their supervisory and monitoring responsibilities.
- > All officers in their command have undertaken stop and search training.

## CONSTABLES should ensure that:

### Policy

- > They are aware of and fully understand the force policy on stop and search.

### Operation

- > When conducting stops and searches they are fully compliant with the daily briefing, the force policy and **PACE**.
- > Where the activity is aimed at deterrence (i.e. under **section 60** or **section 44**) it is carried out strictly in accordance with what is authorised.
- > They submit an accurate record for every stop and search to their first-line supervisor.
- > They have fully understood the daily briefing and that stops and searches are carried out in line with **intelligence** and direction given in that briefing.
- > They log any **intelligence** resulting from stops and searches in a timely fashion.
- > They provide feedback to the **BCU** intelligence unit regarding briefing materials/presentations and intelligence products, specifically on how useful they found them.

### Supervision/monitoring

- > They are aware of their own prejudices and do not let them affect their professionalism or the quality of service they provide to the public.
- > They challenge any racist/discriminatory behaviour or attitudes in their colleagues and are aware of procedures that are in place for dealing with such issues.
- > They are aware of sources of information/advice available to them and of how to access them.

### Community

- > They are fully aware of the impact that stop and search has on the community.

### Training

- > They have undertaken stop and search training and that they have fully understood it.

## BASIC COMMAND UNIT (BCU) INTELLIGENCE TEAMS should ensure that:

### Policy

- > They are aware of and fully understand the force policy on stop and search.

### Operation

- > All **intelligence** is evaluated and risk-assessed for racial bias and that there is no racial discrimination when identifying persistent offenders, targeted individuals and hot-spot areas.
- > They analyse the use of stop and search, specifically in relation to:
  - identified hot spots;
  - targeted offenders;
  - targeted offences; and
  - alternative strategies.

## FORCE COMMAND AND CONTROL TEAMS should ensure that:

### Policy

- > Team members are aware of and fully understand the force policy on stop and search.

### Operation

- > Information from the public is verified, as much possible, before it is passed on to operational officers.
- > Protocols are developed for obtaining and using suspect descriptions in a way which maximises their reliability. This will also have training implications for call-handling staff and, more widely, for improving the way in which interactions with victims and witnesses are handled by police officers and call-handlers.
- > They carry out some level of command and control in deploying operational officers, rather than just acting as messengers, specifically in relation to **section 60** and **section 44**.
- > Reports of stops and searches are recorded on their systems along with the results.

## HEADS OF FORCE TRAINING DEPARTMENTS should ensure that:

### Policy

- > Force policy on stop and search is embedded in any stop and search training that is undertaken by staff.
- > The **PACE** Code of Practice is available force-wide.

### Operation

- > Training courses on stop and search suitable for all police ranks are available, including monitoring and supervision training.
- > All staff are aware of the training courses available.

### Supervision/monitoring

- > There are systems in place to monitor and evaluate the effectiveness of all stop and search training.
- > All staff have the opportunity to give feedback on any stop and search training received, and that this is taken on board on developing further stop and search training.

### Community and training

- > The community has the opportunity to be involved in stop and search training.
- > stop and search training includes a definition of **disproportionality** and its impact on community confidence.

## FORCE CORPORATE COMMUNICATIONS TEAMS should ensure that:

### Operation

- > Operational use of stop and search powers is proactively reported in the media.

## THE INDEPENDENT POLICE COMPLAINTS COMMISSION should ensure that:

### Policy

- > It has a national lead for stop and search complaints.

### Operation

- > The public are informed of their rights to complain about inappropriate use of stop and search and of how complaints can be made, including the use of third-party reporting.

### Community

- > It is satisfied that communities receive feedback on the level of complaints about stop and search within each force.

## Introduction

This Manual has been written predominately as a hands-on guide for police and police authorities. It provides guidance and identifies good practice from forces across the country. It is intended to complement **PACE** Code A not replace it.

The Manual builds on previously issued guidance such as the **ACPO** Stop and Search Manual, the **APA** Guide for police authorities, stop and search – asking the right questions, the Home Office Recording of Stops Implementation Guide and the **Stop and Search Action (SSAT)** Team Interim Guidance.

Examples of good practice have been identified by forces and from the research which has been carried out by the Manheim Centre of Criminology, London School of Economics, on behalf of the Home Office. An initial survey of forces was conducted during the Autumn of 2004 and was followed by detailed case studies in four forces. Extracts are included and indicated throughout the document.

### Next Steps

The Manual was subject to a 6-week consultation period and one of the key messages was that there should be separate documents for the police/police authorities and the community. Ministers will be asking the **SSAT** Community Panel to take forward work on the community document.

**ACPO** has agreed that the **NCPE** will build on the Manual to develop Practice Advice on stop and search. Regional workshops hosted by the Home Office, **ACPO** and **NCPE** will be held in Autumn 2005 to receive feedback on the Manual and to inform the development of the **NCPE** work. Details of the workshop dates and locations will be posted on the Home Office website ([www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)) during the Summer.

Research, Development and Statistics (RDS) are conducting ongoing research to build on the already substantial evidence base on stop and search. This will look at how the police target their use of searches, and the impact that this has on crime and **disproportionality**. Using innovative mapping and statistical techniques, the study will examine the relationship between searches and crime, geographically and over time, to develop a better understanding of the effectiveness of police practices. It will also look at the demographic make-up of those areas targeted by the police, which will help explain which factors influence **disproportionality**. The research is due to report in summer 2006.

Throughout the manual we have highlighted **key words and phrases in bold**. These are all explained in the glossary on **page 8**. We have also highlighted abbreviations, such as **SSAT**. These are also in the glossary and are given in full the first time they are mentioned in each chapter.

# Chapter 1: Powers to stop and search

*This chapter explains the powers of stop and search in detail. It focuses particularly on the effects of recent legislation and new codes of practice.*

*Its aim is to reinforce police officers' understanding of the powers of stop and search and of their responsibilities in applying them.*

## PACE Code A

**1.1 The Police and Criminal Evidence (PACE) codes of practice**, and in particular code A (attached at **Annex C**), govern how the police exercise their statutory powers of stop and search. These revised codes came into force on 1 August 2004 and copies are available to view at police stations. The new codes incorporate:

- > section 1 of the Criminal Justice Act 2003, which extends stop and search powers to cover items intended for or used in acts of criminal damage; and
- > **recommendation 61 of the Stephen Lawrence Inquiry Report (SLIR)**, which covers the recording of stops.

## The recording of stops

**1.2 PACE** code A states that a record must be given to the individual stopped. The recording requirements for stops are slightly different to those for searches. In the case of a stop, the police must record:

- > the date, time and place of the encounter;
- > if the person is in a vehicle, its registration number;
- > the reason why the officer questioned that person;

- > the person's self-defined ethnic background; and
- > the outcome of the encounter.

**1.3** The recording of stops has been the subject of pilots and evaluation since 1999.<sup>1</sup> The **Association of Police Authorities (APA)** also ran a major public consultation that showed public support for the measure. The recording of stops has been phased in at selected sites across the country to assess the best way to record (and then collate and analyse) this information. Findings can be viewed at [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)

**1.4** A Home Office circular on stops was issued in January 2005 and can be accessed via the Home Office website ([www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)). The implementation guide and interim guidance issued in 2004 can also be accessed via the Home Office website at [www.homeoffice.gov.uk/crimpol/police/system/powers.html](http://www.homeoffice.gov.uk/crimpol/police/system/powers.html)

**1.5** Further guidance on the recording of stops can be found in the frequently asked questions section (see **Annex A**). We have also produced a table showing police responsibilities to record stops under various circumstances (see **Annex F**).

**1.6** Forces are encouraged to ensure that recording is done effectively and as straightforwardly as possible.

<sup>1</sup> See: Bland et al. (2000a); and Quinton and Olagundoye (2004) Implementation of the Recording of Stops.

1.7 All references to officers in **PACE** code A paragraphs 4.11–4.19 include police staff designated as CSOs.

## Vehicle stops

1.8 Where stopping a person in a vehicle, the stop must fit the definition given in **PACE** for there to be a need for that stop to be recorded. In the case of a simple stopping of the vehicle under road traffic powers to check documents, etc there is no need to record this as a stop. In the case of such an encounter a HORTI, VDRS or EFPN can negate the need for recording. Should the person being asked to account for themselves not be the driver, a record of the encounter cannot be replaced with these forms.

## Automatic number plate recognition (ANPR)

1.9 Evaluation of research into the effectiveness of ANPR has been carried out in conjunction with dedicated policing intercept teams, which took place over a one-year period. This showed that stop and search that resulted from ANPR was more likely to lead to arrest than other stop and searches. The main reason for this is that ANPR based stop and searches are intelligence-led, and are therefore more likely to lead to a positive result. ANPR was shown to be a very effective policing tactic that directed police resources to persons in vehicles committing offences, or involved in criminality. For more information, visit [www.anpr.policereform.gov.uk](http://www.anpr.policereform.gov.uk).

## Schedule 7 Terrorism Act 2000

1.10 Whether Schedule 7 stops are to be included within the remit of recommendation 61 is still being considered. In the interim, officers at ports should continue with their current practices in relation to recording those stops which fall under Schedule 7 of **TACT**. If it is decided that all Schedule 7 stops should be recorded then this will

be implemented from 1st April 2006. The National Co-ordinator of Ports policing will issue instructions to officers at ports as soon as the ministerial decision has been made.

## Searches based on ‘reasonable suspicion’

1.11 For most stop and search powers a police officer must have reasonable grounds for suspicion. Paragraphs 2.2–2.11 of **PACE** code A define ‘reasonable suspicion’. The key points are:

- > it must have an objective basis in fact, information and/or **intelligence**;
- > it should normally be linked to accurate and current **intelligence** or information;
- > it can be based on some level of generalisation stemming from the behaviour of a person in a particular situation;
- > it can be based on a distinctive item of clothing or other means of indicating membership of a group or gang, combined with reliable information or **intelligence** on the carrying of weapons or controlled drugs.

Code A also states that:

- > Reasonable suspicion cannot be justified or supported by personal factors alone, or by generalisations or stereotypical images.
- > The effective use of ‘reasonable suspicion’ is likely to be based on a range of factors. (This helps prevent abuses of power and increases public confidence.)
- > **Race equality duty** makes it unlawful for police officers to discriminate on the grounds of race, colour, ethnic origin, nationality or national origins when using their powers. The stop and search powers must be used fairly, responsibly, with respect for the people being searched and without unlawful discrimination.

1.12 It is vital that officers understand what constitutes reasonable suspicion, and know how to apply this in practice. Officers should also understand that they must not search anyone, even with their permission, where no power to search exists.

## Searches not based on ‘reasonable suspicion’

**1.13** Only under very specific circumstances are the police granted powers to stop and search without reasonable suspicion. **Section 60 of the Criminal Justice and Public Order Act 1994** and **section 44 of the Terrorism Act 2000** allow officers to use stop and search where there is a threat of public disorder or to prevent acts of terrorism, respectively. In both cases the powers have to be authorised before use.

**1.14** As stated in **PACE** code A, in these, as in all stops and searches, officers must not discriminate against **black and minority ethnic (BME)** communities.

## Searches authorised under section 60 of the Criminal Justice and Public Order Act 1994

**1.15** The requirements for a stop and search under **section 60** of the Criminal Justice and Public Order Act 1994 are explained in **PACE** code A (see **Annex C**). These powers are separate from and extra to the normal stop and search powers.

## Authorisation

**1.16** For a search to be authorised under **section 60** of this Act, the authorising officer (at the rank of inspector or above) must have reason to believe that incidents involving serious violence may take place in their police area and that it is necessary to authorise a search to prevent them. These powers should not be used to avoid using the normal powers or dealing with routine crime problems. Authorisations must be made on the basis that exercising the power is a proportionate and necessary response to achieve the purpose for which Parliament provided the power.

**1.17** An authorisation under **section 60** must be based on **intelligence** or relevant information about, for example:

- > violence between particular groups;
- > previous incidents of violence at or connected with particular events or locations;
- > a major increase in robberies at knife-point in a small area; or
- > reports that individuals are regularly carrying weapons in a particular area.

**1.18** It is the authorising officer’s (or nominated officer’s) responsibility to hold formal briefings before an operation begins. These should be the rule rather than the exception, but where this is not possible the authorising or nominated officer can hold an informal briefing. It is important that all officers taking part in the operation understand fully their role and responsibilities, and their powers of arrest.

**1.19** The authorising officer should, at the very least, give officers **intelligence** on suspected offenders, and should also consider imposing conditions as to who should be stopped and searched, based on available **intelligence**. During the briefing, officers should be reminded that when a power of search is exercised under a **section 60** authority, they do not need to have ‘reasonable grounds’ to suspect individuals of carrying offensive weapons. However, it should also be stressed that they must not discriminate against anyone based on improper reasons or on stereotyping of particular groups. Officers are expected to monitor their own behaviour in this respect.

## Addressing community concerns

**1.20** Using the stop and search power can have a strong negative effect on communities.<sup>2</sup> It is good practice to tell community groups about **section 60** authorisations, so as to maintain their confidence and support, where time constraints allow. We recognise that a few cases will involve sensitive or confidential material and this should not be shared.

<sup>2</sup> For example, Scarman (1981).

1.21 Forces should develop a formal quality-assurance process for using **section 60**. This should include checking that:

- > all **section 60** authorisations are being used appropriately; and
- > written authorisations include all the necessary information.

A named **Association of Chief Police Officers (ACPO)** lead should have responsibility for monitoring the use of **section 60** within forces.

1.22 The aim of **section 60** is to deal with football hooliganism, gang fights and public disorder of this nature. As a piece of preventative legislation it is powerful and intrusive and, when used as intended, is both effective and easily justified.

Three important points were flagged up following observation of a **section 60** authorisation in one force. Each of these points has implications for public confidence and effectiveness:<sup>3</sup>

1. For some officers, the incidents upon which searches were based were relatively wide-ranging and inclusive (e.g. a teenager was searched in a police van for shouting: 'I'm going to bust you!').
2. There was no evidence to suggest that the people searched during the observations were in possession of a knife or any other offensive weapon.
3. Some officers expressed concern about the way the section 60 searches could be used by colleagues, commenting that speculative searches could be used inappropriately and without reason. (There was also informal competition between officers about the number of search forms they had submitted.)

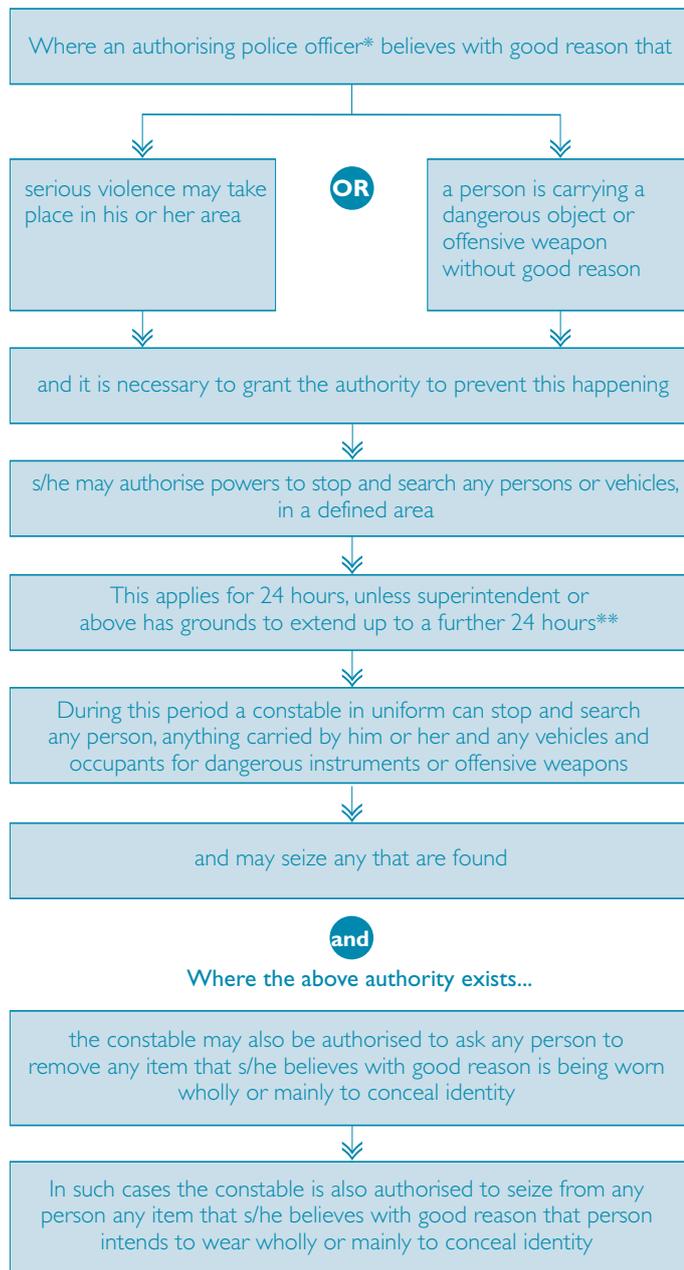
**Good practice under section 60 of the Criminal Justice and Public Order Act 1994** (taken from the Metropolitan Police Service report on section 60)

It is good practice to:

- > provide appropriate training on the use and application of **section 60** for all ranks appropriate to their roles;
- > publish a force-wide directive giving guidance and outlining policy on the use of **section 60** and the administrative procedures to be followed;
- > identify a specific department to take responsibility for the collation and monitoring of **section 60** data, including related searches and **disproportionality**; and
- > ensure that robust and adequate procedures are in place so that **section 60** authorisations are effectively managed from start to finish.

<sup>3</sup> Quinton et al (2000)

### Police powers to stop or stop and search under section 60 Criminal Justice and Public Order Act 1994 (as amended)



\* When an inspector or chief inspector makes an authorisation under section 60 they must cause a superintendent to be informed as soon as practicable.

\*\* An extension may be authorised only where violence or the carrying of dangerous instruments or other offensive weapons has occurred or is suspected to have occurred and the continued use of the powers is considered necessary to prevent or deal with further such activity.

## Searches authorised under section 44 of the Terrorism Act 2000

**1.23 Section 44** of the Terrorism Act 2000 allows officers, when given authorisation, to stop and search vehicles, people in vehicles and pedestrians for articles that could be used for terrorism, whether or not there are grounds for suspecting that such articles are present (sections 45(1) and (2)).

**1.24** The terrorism legislation has an annual review process built in to ensure it remains appropriate. Each year it is scrutinised by an independent reviewer, Lord Carlile of Berriew QC. He welcomes comments on the Act and the powers contained in it. He can be contacted at [carlilea@parliament.uk](mailto:carlilea@parliament.uk)

## Authorisation and confirmation by a minister

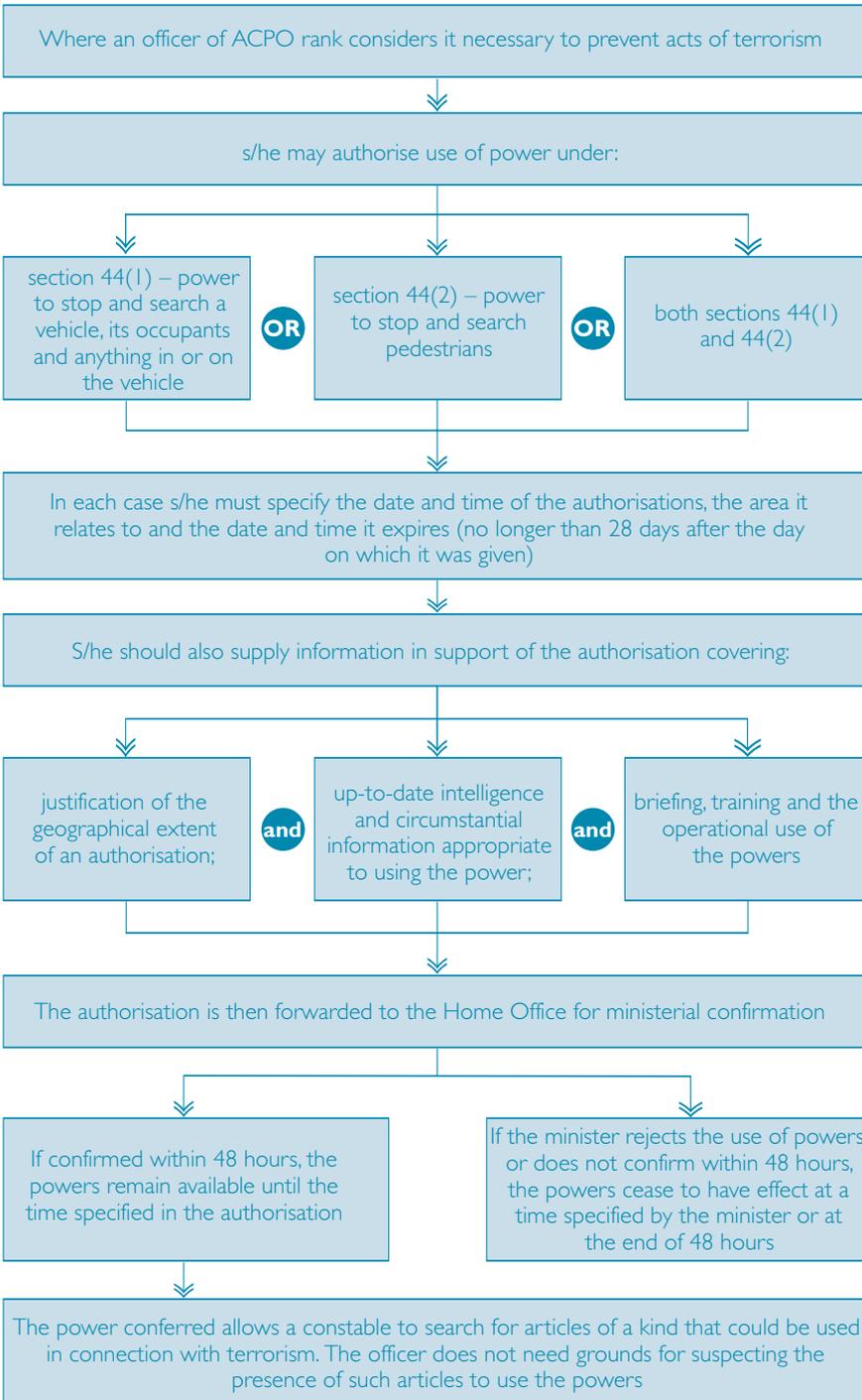
**1.25** Authorisation can be made only if the authorising officer considers it necessary in order to prevent acts of terrorism.

**1.26** Authorisations under **section 44** must be signed by officers of **ACPO** rank and include detailed information on the following:

- > the time the authorisation was given;
- > the time and date it runs out (which is no longer than 28 days after the date on which the authorisation is given);
- > the area covered; and
- > the reasons for authorising the powers.

**1.27** The Secretary of State must be told about the authorisation as soon as possible. A minister will then consider the authorisation and decide whether or not to confirm it. Authorisations are lawful for up to 48 hours without ministerial approval. However, if not confirmed within 48 hours, the authorisation will run out at the end of this period or at a time given by the minister. If the authorisation is confirmed, it will stay lawful up to the time and date stated in the authorisation itself.

**Powers to stop and search under section 44 of the Terrorism Act 2000**



## Powers of dispersal

**1.28** The Anti-social Behaviour Act 2003 includes two new powers for the police to deal with anti-social behaviour:

- > To disperse groups who are causing intimidation, harassment, alarm or distress to others; and
- > To return young people under 16 who are unsupervised in public places after 9pm to their homes.

These powers are limited to areas where anti-social behaviour is a particular problem and there is a history of groups being in the area and causing intimidation, harassment, alarm or distress to others. Requiring persons to disperse, or taking young people home in the exercise of these powers does not need to be recorded as a 'stop' under Code A of **PACE**.

## Using the Schengen Information System (SIS) and Article 99 Alerts

**1.29** The **Schengen Information System (SIS)** is a European data system that gives police officers access to alerts issued by other member states of the European Union about people, vehicles and objects such as firearms. It also gives officers access to a much wider range of information from

across Europe. The system holds details on a number of types of people, including people or their vehicles (or both) involved in serious crime or considered threats to national security, who should be checked or whose whereabouts should be reported in what is known as an Article 99 Alert.

**1.30** Once the **SIS** is in place in the UK, any officer checking a person or vehicle on Police National Computer will also be checking the SIS and may receive an alert from it. It is important for officers to understand that:

- > an Article 99 Alert does not give the officer any more powers of stop and search; and
- > officers cannot use an Article 99 Alert as grounds for a search, because the person stopped should not be told about the alert.

## Responsibilities for strategic and tactical use of the stop and search power (extract from the ACPO guidance)

**1.31** Chief officers, **senior management teams (SMTs)**, managers, supervisors and officers conducting stops and searches all have essential roles to play in ensuring that best use is made of the power and that it is always applied fairly and effectively. Their responsibilities are set out in the boxes that follow.

## Chief officers

As chief officer you have final responsibility for the lawful use of stop and search by your force. It is therefore important that you appoint an **ACPO**-ranking member of the command team to manage the stop and search portfolio and ensure that:

- > Directives on the use of appropriate force are set and reviewed in the light of this guide in consultation with the community and police authority, and that these are understood by all officers.
- > Training is given to meet the needs of staff at all levels (including specialist officers and special constables) in relation to stop and search.
- > Management information systems (such as exception reporting or **disproportionality** analysis, for example) are in place to inform the command team of any significant trends for further investigation.
- > Mechanisms are in place so that further analysis can be done on a routine basis.
- > The force has a clear policy for the recording of stops and searches that covers, for example, the forms used, information required and level of supervision.
- > The force meets its statutory requirements for submitting stop and search data to the Home Office.
- > All members of the force **ACPO** team know their responsibilities as authorising officers under **sections 44** and **45** of The Terrorism Act 2000
- > All members of the force **ACPO** team know their responsibilities as identified as part of race equality duty.
- > The value of stop and search for **intelligence** gathering is recognised throughout the force and that there are systems in place to maximise this (whilst acknowledging that in legal terms the sole aim of stop and search is detection).
- > Stop and search is quality assured at a force-wide level as part of the internal inspection process and externally through the police authority, independent advisory committees and through public consultation.
- > There is some central point of reference within the force for help and advice about applying stop and search locally.

## BCU SMTs

As the officer leading a **BCU** you must be able to demonstrate that all officers who have exercised the power of stop and search in your geographical area have performed effectively and in a non-discriminatory way. To this end it is vital that all your staff are clear that *quality and not quantity* is the key to stop and search.

You must also demonstrate that thought has been given to ways in which stop and search might support local initiatives. (Bear in mind that it is vital to seek community involvement so as to minimise possible negative impact of any local initiatives that involve the use of stop and search.) You should appoint a member of your senior management team to be responsible for planning and managing strategies to promote the proper use of stop and search in your area.

As the appointed senior management team member you must ensure that:

- > You understand the general and local issues around stop and search.
- > You are the recognised lead for stop and search in your area.
- > Use of stop and search is managed in accordance with the **ACPO** guidance contained in this document, along with any force directives on this subject.
- > Appropriate use of stop and search is promoted internally. Your officers need to understand the value of the power and be able to communicate this within the communities they police.
- > Appropriate use of stop and search is promoted and justified externally and that its community impact is analysed. You should also consider a media strategy.
- > Clear indications are given of what is and isn't an appropriate use of the power. It is important that clear ground rules are set and publicised.
- > Officers who act lawfully and proportionately are openly supported, even if they receive a complaint. You must make it clear that officers who act in accordance with this guide and with force directives have nothing to fear when they conduct stops and searches. It is important that they feel confident in their local managers.
- > Line supervisors who challenge inappropriate behaviour are openly supported. Officers must know that serious breaches of professional conduct bring discredit on the police service and will attract disciplinary action.
- > Systems are in place to provide officers with the best **intelligence** available to help them decide when it is appropriate to stop and search. These systems must meet the needs of your officers and all others deployed in your area. Officers coming in from outside the area must be properly briefed before they start to ensure that they understand:
  - irrelevant community issues;
  - the local policing style; and
  - exactly what is required of them.

### BCU SMTs (*continued*)

- > Your officers have received appropriate training in stop and search and wherever possible visible support is given to the training process. Your officers must have a clear understanding of the law, their powers and responsibilities.
- > Your officers have a thorough knowledge of the powers that do not require 'reasonable grounds' (for example, **section 60** of the Criminal Justice and Public Order Act 1994).
- > All inspectors, chief inspectors and superintendents on your **BCU** know their responsibilities as authorising officers under **section 60** of the Criminal Justice and Public Order Act 1994. This provides a valuable tool that may be used to prevent serious violence and to detect the carrying of dangerous instruments or offensive weapons. All authorising officers must be made familiar with the relevant legislation before they exercise this power.
- > All searches are recorded under the relevant power. It is **ACPO** policy that police officers should carry out searches only when they have a statutory power to do so.
- > Officers conducting stop and search state at the outset the value of intelligence that can be obtained in this way.
- > Officers are mindful of forensic considerations when carrying out stop and search.
- > Systems are in place so that all records of searches are entered onto a database in accordance with force policy. If this database is maintained at a local level, ensure that it is properly managed.
- > Management information systems are in place to:
  - > inform you of good results – it is important to proclaim success internally and externally and to give due praise for professional performance;
  - > highlight any changes in officer behaviour or **disproportionality** of activity for further investigation (under **race equality duty** police become liable for any forms of racial discrimination they commit); and
  - > quality assure all your local systems relating to stop and search.

## First-line supervisors and team managers

Your role as the first-line supervisor and team manager is vital in ensuring that the stop and search procedure is followed to a successful conclusion.

Used properly, stop and search can increase public confidence, both in your officers and within the community, and can reduce the fear of crime. Your supervision should ensure the legality and increase the effectiveness of searches. It is about you setting standards, supporting individuals and teams in achieving these standards, monitoring your staff's performance and giving constructive feedback.

As a supervisor you must ensure that:

- > The most effective use is made of stop and search in support of local policing needs.
- > Your officers are equipped with the best, most focused and objective intelligence available. They need this if they are to engage in proportionate and effective stop and search.
- > You give your staff intelligence-led briefings and actively supervise, lead, support and encourage them in the effective use of stop and search. Checking stop and search forms is important but it is no substitute for hands-on supervision to ensure that the power is used lawfully and fairly.
- > You give your officers constructive feedback on the way they conduct stops and searches.
- > All stops and searches are properly recorded. You should scrutinise (not simply sign off) search forms to ensure that they are legal and not based on negative stereotypes and/or weak generalisations.
- > You promote the **intelligence** value of stop and search.
- > Officers are mindful that senior managers can ascertain when stop and search powers have been exercised.
- > You give praise when appropriate and recognise good practice. If staff are performing effectively, let them know. Verbal thanks, good work reports or formal commendations go a long way in motivating individuals.
- > You challenge and remedy poor-quality work and unfair practices, taking disciplinary action where appropriate. If unacceptable behaviour is not challenged quickly, firmly and openly it will seem to be endorsed and will become part of the culture. It is essential that you take the lead here to protect your integrity, that of your officers and of the stop and search process itself.
- > You comply fully with the important addition of the revised code of practice, code 4DA: 'Supervising officers, in monitoring the exercise of the officers' stop and search powers, should consider in particular whether there is any evidence that officers are exercising their discretion on the basis of stereotyped images of certain persons or groups contrary to the provisions of the code. It is important that any such evidence should be addressed. Supervising officers should take account of the information about the ethnic origin of those stopped and searched which is collected and published under section 95 of the Criminal Justice Act 1991.
- > Your officers fully understand that the number of searches conducted is not a personal performance indicator. The message must be clear: *quality not quantity*.

You must expect and set the highest standards of behaviour. Your officers look to you for guidance and leadership. As a line manager, the impact of your personal style should never be underestimated, so you must lead by example.

Inspectors must be aware of their additional specific responsibilities in respect of **section 60** of the Criminal Justice and Public Order Act 1994. This is a valuable tool that may be used to prevent serious violence and to detect the carrying of dangerous instruments or offensive weapons.

## Officers conducting stop and search

The way you conduct stop and search, consistent with code A of **PACE**, has an important and direct impact on community relations. The public's perception of and confidence in the police is determined in part by the way you, as a frontline officer, treat people. Just one poorly conducted stop and search can do untold damage to community relations. For example, showing aggression or being rude to the person you stop can have an effect that extends beyond them, and beyond their family and friends, to affect the whole local community.

Your measure of success should always be the *quality* of stops and searches you conduct rather than the quantity. This means you must act on accurate intelligence or information, fully explain the reasons for your actions and the grounds for and object of the search, and record every encounter. It is your responsibility to conduct stops and searches in a professional manner, even in the most challenging of circumstances.

As an officer conducting stop and search you must:

- > Have sound knowledge of the relevant powers and procedures, and use them objectively. It is important that before the search the person has clearly understood your explanation and reasons for exercising this power.
- > Understand and comply with legislation that affects the exercise of stop and search powers, e.g. the Human Rights Act and **race equality duty**.
- > Recognise that not everyone who has been stopped has to be searched. The grounds for search can cease at any time and if this happens you must explain that you are not going to conduct a search and bring the interaction to an immediate close in an atmosphere of mutual respect.
- > Remember that when a stop and search does not lead to an arrest this in no way means that the stop and search was unlawful, inappropriate or of no value. Although the reason for conducting a stop and search is detection, any search can yield valuable **intelligence**, which must be captured. Do not underestimate the potential value of small pieces of information.
- > Know the area, its crime and offenders, together with the latest **intelligence** or information. But remember that a past offence is never in itself grounds for stopping and searching an individual.
- > Be mindful that senior managers can ascertain whether stop and search powers have been exercised.
- > As a legal obligation complete accurate records of all searches, including the object of and grounds for the search, to explain and support your action.
- > Give a copy of the record, together with any material on police powers and the rights of the individual which is used by your force for this purpose, to the person searched at the time of the search, unless it is impracticable to do so.
- > Be aware that you are liable, not only for your own actions but also for the actions of your colleagues. All police officers have an individual responsibility to challenge inappropriate behaviour.
- > Remember that Road Traffic Act powers of stop, such as those under section 163, do not carry a power to search but are nonetheless intrusive and should only be carried out with good reason.

### Officers conducting stop and search *(continued)*

- > Recognise that as a general rule any member of the public should be allowed to observe you carrying out a stop and search as long as the person being searched does not object. The dignity and privacy of the individual being searched is of paramount importance and must always be considered.\*
- > Always remember your personal safety and that of others when you are conducting a stop and search.
- > Make every effort to ensure that your actions leave a positive image of the police service. The whole encounter must be conducted with:
  - > politeness;
  - > respect for the person's dignity; and
  - > appropriate language.

Serious breaches of professional conduct and failures to comply with legislative requirements bring discredit on the police service and will attract disciplinary action.

*\*Code A paragraph 3.1: Every reasonable effort must be made to reduce to the minimum the embarrassment that a person being searched may experience.*

**GOOD PRACTICE CONSULTANCY**

Extract from studies by the Manheim Centre for Criminology,  
London School of Economics:

**LEADERSHIP**

Implementation of the recording of stop and account<sup>4</sup> was typically being managed by a police officer of the rank of inspector or above and in the vast majority of cases this work was also being overseen by a project board, steering group or working group. In 20 of the 37 forces where such bodies were identified, an officer of the rank of Assistant Chief Constable or above was involved. This involvement was seen as having both a symbolic and practical value. It was seen to convey a message that the issue was being taken seriously and, in the context of a command structure, helped to ensure that others in the organisation gave it due weight:

*I think the value as project sponsor is, you know, it's about making sure things get done. First of all there's a symbolic thing of chief officer involvement, so it is important it will happen, it's non-negotiable, it will happen. So I'm in a position where I can free up any potential blockages and that's the stream of what we will now be involved in (senior police officer).*

Senior officer involvement was also used in BCUs to support roll-out across forces. In West Yorkshire, for example, the central implementation team identified project champions in each division who were of the rank of chief inspector or above. It was their role to support the implementation and to report back to the central team.

Local leadership was also demonstrated in the London borough of Newham by a member of the senior management team, who helped to chair implementation team meetings and monitor progress. This role also involved an element of marketing as the officer involved sought to 'sell' the recording process to his/her colleagues by highlighting the benefits that it would bring:

*I think just for seeing that it's actually implemented properly on the borough and to ensure that we are aware of it. Everybody's aware of it for a starter, and then to make sure that we are complying with it, because it is, at the end of the day, we have to look at this as a positive issue, and there's a danger with all these things that we could end up seeing this negatively and hear the negative things. And part of this role is to put a spin on it and say 'no hang on, let's look for the positives here; what do we get out of it?' And stop and account in its basic form helps us to gain intelligence that we might not have previously got, and I think we, as an organisation, need to get much more into customer care and part of that is about being open and transparent in your dealing with your customers. So if we can persuade our officers that not only is it legislation, you must do it, that you really ought to be doing it, then that's part of the role (senior police officer).*

<sup>4</sup> Term used by the MPS to explain stops.

## Chapter 2: Good practice support

*This chapter explains the findings of the **Practice-orientated Package (POP)**. POP was developed by the **SSAT** to identify good practice in four selected forces and one metropolitan borough.*

*Although the findings are specific to the forces in question, it is hoped that the lessons learned will highlight critical areas for the attention of all forces.*

*The end result of the **SSAT**'s work on good practice can be seen in the stop and search template (**Annex G**).*

### Introduction

**2.1** The aim of **POP** was to improve the operational effectiveness of stop and search while increasing community confidence in the use of the power. Members of the **SSAT** worked directly with four police forces and one metropolitan borough (henceforth referred to as 'the forces') to identify good practice.

**2.2** This work cannot be classified strictly as research; more as observation. The **SSAT** worked over a short period, focusing on one **BCU** in each selected force, taking a snapshot of activity, systems and processes and assessing how these may have affected police practice.

**2.3** The conclusions and recommendations are based on what the team saw and experienced in the five **BCUs**. Although the process can be repeated in other forces, the findings and recommendations for action are likely to differ.

### Variation and disproportionality

**2.4** **Disproportionality** is calculated by taking each force's stop and search figures, broken down by ethnicity, and comparing them with the respective resident population as per census figures.

**2.5** Analysis shows a high level of regional variance in the use of stop and search, which cannot be explained by local demographics alone.

**2.6** Forces also show a wide variance in rates of arrests arising from stops and searches.

**2.7** One argument advanced in defence of **disproportionality** in the use of stop and search is that 'street populations' (those people available to be searched because they are literally on the street when the police conduct stop and search activity) contain more people from **black and minority ethnic (BME)** communities than resident populations. The box that follows summarises national research data.

## Summary findings: disproportionality

### Measuring disproportionality

**Disproportionality** in stop and search refers to the extent to which police powers are used against different groups of people ‘in proportion’ to the demographic profile of the general population. Debates have predominantly focused on higher rates of stop and search as a result of a person’s ethnicity, but the issue will be relevant to other social categories, such as age and class.<sup>5</sup>

**Disproportionality** is not the same as discrimination. In order to establish whether practices are discriminatory, it is important to find out whether higher rates can be explained by legitimate factors.<sup>6</sup> Put another way, where there is evidence of **disproportionality**, it does not automatically follow that officers carry out searches on the basis of racist stereotypes.

The s95 statistics provide evidence of **disproportionality** in stop and search by comparing the rate at which people from different ethnic groups are searched against the wider population. These figures are based on the ethnic profile of searches recorded by the police, and the residential population. Like all forms of data, they do not provide the complete picture. Studies have cast doubt over the accuracy of the police’s recording of searches,<sup>7</sup> and the extent to which the resident population reflects the profile of people ‘available’ on the street, in places where searches are carried out.<sup>8</sup>

Despite these issues, earlier Home Office research concluded that measures of **disproportionality** based on the residential population remain important.<sup>9</sup> This is because the measures reflect the actual experiences of different ethnic groups, and the effect of police practices on them. What this means, for example, is that Black people have a higher relative risk of being searched compared to White people in England and Wales.<sup>10</sup> Irrespective of the underlying reasons, **disproportionality** is a critical issue for the police service because evidence shows that police practices can damage public confidence.<sup>11</sup> Experiences of being stopped and searched have been repeatedly linked with lower satisfaction levels with the police.<sup>12</sup> This is likely to have most impact on those ethnic groups at greatest risk of being searched.

<sup>5</sup> See, for example, Waddington et al (2004); and Young (1994).

<sup>6</sup> Bowling and Phillips (2002).

<sup>7</sup> FitzGerald and Sibbitt (1997) and Bland et al (2000a).

<sup>8</sup> See, for example, Waddington et al (2004) and MVA and Miller (2000).

<sup>9</sup> MVA and Miller (2000).

<sup>10</sup> Institute for Criminal Policy Research (2004).

<sup>11</sup> Stone and Pettigrew (2000); and *The Stephen Lawrence Inquiry*.

<sup>12</sup> Miller et al (2000); Clancy et al (2001); and FitzGerald et al (2002).

## Summary findings: disproportionality (*continued*)

### *Availability*

There is a growing body of research in the UK which looks at the influence of the public's use of space on **disproportionality**.<sup>13</sup> Together, these studies have suggested that the ethnic profile of those people in the public spaces where searches are used, is different to the ethnic profile of the resident population. Indeed, in the local areas studied, the populations 'available' to be stopped and searched have tended to contain a higher percentage of people from minority ethnic groups. This is significant because, even if individual officers act neutrally and only search people in proportion to the profile of those people using public spaces, their overall actions will have a disproportionate effect.

Such research raises two important issues:

- > First, it provides evidence of institutional racism which, as defined by the Stephen Lawrence Inquiry, refers to unwitting and routine practices having a disproportionate impact on people from minority ethnic groups.
- > Second, people's use of public space, and hence their risk of being searched, will be effected by patterns in unemployment, housing and social exclusion. It follows that police decision-making, however neutral, is likely to compound and exacerbate disadvantage and discrimination in other areas of social life.

Some have interpreted research on 'availability' to mean that the disproportionate effect of police activities is no longer a problem. However, the studies in the area maintain that minority ethnic groups "may be more exposed to stop and search,"<sup>14</sup> and that discrimination is not ruled out.<sup>15</sup> Findings are also likely to be highly localised, and it is not clear whether similar results would be found in other areas. They also raise important questions about:

- > why police searches are targeted towards particular areas; and
- > whether such targeting is in proportion in terms of crime problems.

These questions will be addressed in the ongoing RDS research.

<sup>13</sup> Waddington et al. (2004); Hallsworth and McGuire (2004); MVA and Miller (2000); and Boniface (2000); FitzGerald and Sibbitt (1997).

<sup>14</sup> Waddington et al (2004: p910).

<sup>15</sup> MVA and Miller (2000).

## Summary findings: disproportionality (*continued*)

### *Other factors contributing to disproportionality*

Research and other work suggests that **disproportionality** is likely to be affected by a range of other factors:

#### *Discrimination*

- > The **Stephen Lawrence Inquiry Report (SLIR)** highlighted the problem of disproportionality, indicating that discrimination was a major factor.
- > Research has pointed to racial stereotyping by the police;<sup>16</sup> the stopping of black people on more speculative grounds compared to white people;<sup>17</sup> and 'heightened suspicion' towards black people.<sup>18</sup>

#### *Police 'working knowledge'*

- > Research has shown that officers' suspicions are aroused by a range of factors including appearance (e.g. youths, clothing, being out of place), behaviour (e.g. 'suspicious activity'), time and place (e.g. which affected expectations about what was normal behaviour), and information and intelligence (e.g. suspect descriptions).<sup>19</sup>
- > These suspicions can result from wider generalisations, which have the potential to alienate the public and to develop into negative stereotypes.

#### *Socio-demographic factors*

- > Studies have shown that the experiences of black people can, to varying degrees, be explained by other socio-demographic variables, such as age, sex and class.<sup>20</sup> For example, **disproportionality** may be affected by the age profile of the black population, which is younger than the white population.<sup>21</sup>
- > The 2000 **British Crime Survey (BCS)** showed that ethnicity was not a strong predictor of being stopped on foot, but was for being stopped in a car.<sup>22</sup> It is not clear why this was the case.

#### *Information and intelligence*

- > Research for the Metropolitan Police found a broad association between the profile of searches and suspect descriptions.<sup>23</sup> It suggested that emphasis on 'low discretion' searches (e.g. those based on suspect descriptions rather than officers' own judgements) would further disadvantage Black people.

#### *Ethnic differences in offending*

- > A review of the evidence on the involvement of different ethnic groups in crime concluded that there was no clear picture on offending patterns because of methodological and conceptual difficulties.<sup>24</sup>

<sup>16</sup> Smith and Gray (1985).

<sup>17</sup> Norris et al. (1992).

<sup>18</sup> FitzGerald and Sibbitt (1997).

<sup>19</sup> Quinton et al (2000). See also: McConville et al. (1991).

<sup>20</sup> As discussed in Bowling and Phillips (2002) *Racism, Crime and Justice*.

<sup>21</sup> FitzGerald cited in Bowling and Phillips (2002).

<sup>22</sup> Clancy et al (2001).

<sup>23</sup> FitzGerald (1999).

<sup>24</sup> Bowling and Phillips (2002).

**2.8** The **SSAT** work showed that two of the forces observed could demonstrate that a significant level of **disproportionality** was attributable to the factors mentioned in 2.7, i.e. street availability. However:

- > The arguments are not pertinent to all forces and nor can they explain sudden rises in **disproportionality** experienced in some forces.
- > Given the daily fluctuations of ‘street populations’, no accurate cost-effective method of establishing exact figures has been developed.
- > Work on ‘street populations’ has failed to increase community confidence in the use of stop and search.

**2.9** The **SSAT** examined the reasons for regional variances and worked with individual forces to reduce **disproportionality**. The team was also asked to develop a national guide (the stop and search template at **Annex G**) to help other forces reduce disproportionality and increase local communities’ confidence in the use of stop and search.

## Community reaction

**2.10** Communities that had been subject to an inappropriate use of stop and search wanted reassurance and visible actions to increase their confidence in police use of the power.

**2.11** There was strong community support for the proper application of the power to stop and search. No community group advocated its removal.<sup>25</sup>

**2.12** Police authorities have a key role to play in informing communities of their rights, scrutinising the actions of forces and communicating details of a force’s performance to the community. Despite the fact that the statutory duties for police authorities were emphasised in **recommendation 63** of the **SLIR**, we found that a number of police authorities were failing to take an active role.

**2.13** In general, communities reacted positively when they saw that the power was being used for their benefit and reacted adversely when they felt it was used upon them arbitrarily. Young people in particular felt that the power was used by police officers to assert their authority and to control behaviour rather than to prevent crime.

**2.14** It was not the number of searches that caused the greatest friction with the community but rather the way in which searches were conducted and the perceived targeting of specific racial groups.

**2.15** Monitoring groups comprising community representatives from the local police community consultation group, when properly set up, played a role in improving community relations. However, they need a wider remit than stop and search if they are to maintain community involvement.

**2.16** Local media had a significant impact upon local policing practice and relationships with local communities.

<sup>25</sup> Stone and Pettigrew (2000) *The Views of the Public on Stops and Searches*; and MORI (2004) *The View of the Public on the Phased Implementation of the Recording of Stops*.

## Summary findings: the views of communities

### Stops and searches in general<sup>26</sup>

- > There was support for stop and search (in principle), particularly in dealing with serious crime. However, most respondents were more likely to cite the problems associated with its use and support was based on a there being change in police practice.
- > There was a strong perception that the police should change the way they decide both who to stop and why, and that they should improve the manner of interaction.
- > People generally recognised the difference between a stop and a search. Searches were seen as more intimidating.
- > Experiences of being stopped tended to be negative. Research for the **Metropolitan Police Authority (MPA)** showed that the worst experiences resulted from encounters where people felt humiliated, angry and intimidated.<sup>27</sup>
- > People tended to want to end an encounter quickly due to embarrassment.
- > The attitudes and behaviour of officers was the single most important issue for respondents.
- > People felt it was important that a genuine reason be given for stops and, particularly, searches.
- > Research for the **MPA** found that vague reasons, such as 'looking suspicious' were more likely to be viewed sceptically and thought to be dishonest by the public and, as a result, were more likely to undermine confidence in police use of stop and search.<sup>28</sup>
- > Positive experiences were based on being given a reason for the stop, being treated politely and not being kept for a long time or unfairly targeted.
- > Overall, respondents thought that being male, young, from a minority ethnic background, part of a large group, known by the police, wearing certain types of clothing and/or driving certain types of cars, increased a person's chance of being stopped.
- > Black and Asian respondents felt that they were more frequently stopped than white people, and that they were targeted because of their ethnic background.

<sup>26</sup> Stone and Pettigrew (2000) and MORI (2004).

<sup>27</sup> 1990 Trust (2004a).

<sup>28</sup> 1990 Trust (2004a).

## Summary findings: the views of communities

### Recording stops<sup>29</sup>

- > Awareness of the recording requirement varied between sites, but seemed to be greatest in Hackney, where it had received most publicity.
- > Once explained, there was widespread support for the recording of stops amongst respondents.
- > The main advantage of recording was that it detailed the reason for the stop.
- > Other perceived benefits were that the form enabled people to prove they had been stopped (if making a complaint, for example) and, when given at the time, could increase openness of police records.
- > Not all respondents were given a reason for being stopped by the police.
- > There was a general consensus among respondents that they did not mind the police asking people to define their ethnicity.
- > Only half of those who received a record said they read the form.
- > While most respondents welcomed the initiative, its impact on confidence was fairly limited.
- > The recording of stops was less important than attitude and behaviour of officers.
- > There was a strong sense that forms needed to be clearly laid out and written in plain English, with jargon and abbreviations kept to a minimum.

## Analysis of data

**2.17** All **BCUs** showed great variation from month to month in number of stops and searches, level of **disproportionality** and stop and search arrest rate.

**2.18** Although most of the forces had extremely powerful data collection/ analysis tools they were not always used effectively, for example to detect disproportionate stops and searches by individual officers.

**2.19** Some produced information on **disproportionality** in a simple visual format. This helps first-line supervisors to spot problems easily and quickly so they could take appropriate action.

**2.20** The quality of information submitted by officers, for example on forms, varied between forces. A key factor was the role of supervisors. Where they took responsibility for this process standards were significantly higher.

## Force policy

**2.21** **PACE** guidelines were criticised by force managers and practitioners for not offering a national definition for 'reasonable suspicion'.<sup>30</sup> Some forces had defined the term as part of their own written policy.

**2.22** Police managers and officers viewed certain government policy, priorities and initiatives (such as the Street Crime Initiative, for example) as being directly responsible for driving up **disproportionality**.

**2.23** All forces identified how the Home Office published statistics under **section 95 of the Criminal Justice Act 1991** as unhelpful in that they were presented without a context. Few officers accepted the link between the **section 95** figures and the performance of their duties.

<sup>29</sup> MORI (2004a).

<sup>30</sup> See Quinton, et al (2000) discuss variations in how officers understand Reasonable Suspicion.

**2.24** Force policy documents varied significantly in content and quality. A number of forces had good-quality policy documents but had not distributed them effectively.

**2.25** Other forces had outdated, confusing or inappropriate policy documents on stop and search. The worst of these were defensive in tone and gave little guidance on when to use the powers.

**2.26** The good policy documents were clear, concise and stressed the specific advantages of the power to stop and search. They also specified the responsibilities of supervisory grades.

**2.27** In forces with lower levels of **disproportionality** the chief constable and senior managers were agreed as to the purpose of stop and search. Where there was also agreement with the local community, confidence in the use of the power was significantly higher. Policies in these forces stated explicitly that an officer's performance would not be assessed on the number of stops and searches they performed, but that they would be judged on the outcomes and quality of stops and searches.

## Force practice

**2.28** The types of offence targeted by the use of stop and search varied between forces. For example, some forces used the power largely to target drugs offences while others found it ineffectual in this respect.

**2.29** All levels saw the **National Intelligence Model (NIM)** as essential to the effective use of stop and search. Despite this, in some forces a limited connection was made between the use of **NIM** and stop and search activity.

**2.30** Some forces used tasking and briefing meetings to target stop and search activity against persistent offenders.

**2.31** Arrest rates varied significantly for stop and search under **PACE**. For example, the power appears to be effective for relatively minor offences of drugs possession, where the arrest rate is high.<sup>31</sup> However, it appears less successful as a tactic against drug dealers, where the arrest rate is low.

**2.32** A number of practitioners saw the power as a tool to deter and disrupt crime.

**2.33** Officers felt that lack of confidence in using the power was significant in reducing its effectiveness. They cited probationers who are 'scared off' because of the cautionary tone in which it is often discussed, and the diversity awareness issues that are covered in training. Officers described a vicious circle whereby lack of confidence from an officer exercising the power could lead to it being used inappropriately which, in turn, decreases community confidence. In some forces this lack of confidence was the result of a serious lack of knowledge about correct use of stop and search.

**2.34** In a number of forces stop and search was used as a tool for public reassurance and to prevent people who were seen as creating a public nuisance from gathering in certain places, although there was no reasonable suspicion of a crime. *This is an improper use of the power.*

## Supervision

**2.35** Although most officers saw frontline supervision as crucial to success in stop and search, some forces failed to equip sergeants with either the resources or the training to fulfil this role (see **Annex H** for Supervisors' toolkit).

**2.36** Supervision was highly variable.<sup>32</sup> In some forces officers believed their line managers were uninterested in how they were using the power. Several officers also told us that no follow-up actions were taken in response to the stop and search forms they submitted. This was in strong

<sup>31</sup> See also: Miller et al. (2000).

<sup>32</sup> See also: Bland et al. (2000) and Bottomley et al. (1991).

contrast to other forces, where line managers were seen to take an active interest. In yet other forces the importance of the supervisory role was strongly acknowledged but was hampered in practice by the lack of sergeants in post.

**2.37** Checking of forms by sergeants varied considerably. The quality of supervision was highest in the force where senior managers paid particular attention to this function.

**2.38** Forces with clear and effective systems for supervising, processing and inputting stop and search forms were also the forces where supervisors were more aware of the actions of their officers and of stop and search activity within their team.

**2.39** It is of great concern that in certain forces sergeants viewed their role as of no particular significance in the stop and search process. Many sergeants in these forces were ignorant of their statutory responsibilities. By contrast, sergeants in other forces took a keen interest in the activity and regularly checked the records of individual officers for evidence of **disproportionality**.

**2.40** Where senior managers scrutinised monthly figures on stop and search this encouraged first-line supervisors to take responsibility for the performance of their team.

## Complaints

**2.41** Practitioners felt detached from the complaints procedure. They received no feedback on completed complaints.

**2.42** Community groups had no faith in the complaints system. They seemed not to be fully aware of how the system worked and believed that the only way to complain was to do so in person at a police station.

## Form filling

**2.43** In some forces significant numbers of police officers said they did not complete forms, either because the encounter led to an arrest, at which point they felt that a stop and search form was unnecessary, or because they felt that the individual concerned was unlikely to complain.<sup>33</sup>

**2.44** It is of concern that in one force officers conducted 'voluntary' searches without completing a record of the encounter, despite the fact that both practices are expressly forbidden.<sup>34</sup>

**2.45** Some forces entered stop and search records directly onto the intelligence system while in others a separate **intelligence** log had to be completed. *The former method is good practice.*

## Partnerships

**2.46** Stop and search was seen both by forces and by **LCJB** representatives as solely a police activity, with limited involvement from **LCJBs** or crime and disorder reduction partnerships.

**2.47** To improve community confidence in the use of the power some forces worked in close liaison with other local criminal justice agencies and had strong links with local communities and voluntary-sector organisations.

## Intelligence

**2.48** Searches should be based on detailed, accurate and up-to-date information that reflects the needs of frontline officers. In fact, **intelligence** is a prerequisite for using the power of stop and search.

**2.49** **NIM**, which the government has placed at the centre of the Police Reform Agenda, should direct the police in how best to use stop and search in response to identified problems.

<sup>33</sup> See also: Bland et al. (2000) and FitzGerald (1999).

<sup>34</sup> See also: Quinton and Olagundoye (2000).

**2.50 NIM** is a model for policing which aims to ensure that the available information is fully researched, developed and analysed to provide the intelligence needed to assess policing needs at any given place and time. Based on information provided by **NIM**, senior managers can:

- > provide strategic direction;
- > make tactical resourcing decisions about operational policing; and
- > manage risk.

**2.51** In terms of outcomes, **NIM** helps reduce rates of persistent offending. It does this by increasing co-operation between the police and other agencies as they work together to target the most persistent offenders.

**2.52** Training in the dimensions and uses of **NIM** for officers at all levels is important for the effective intelligence-driven use of stop and search.

**2.53** The application of **NIM** varied greatly between forces. Where it was applied fully the right people were stopped at the right time and in the right places, thereby increasing effectiveness and reducing **disproportionality**.

**2.54** The link between tasking meetings (held weekly) and daily briefings was extremely varied and in some forces noticeably weak. For example, tasking meetings often resulted in highly detailed crime analyses but these analyses were not always passed on through briefing meetings.

**2.55** In some forces tasking meetings were attended mostly by analysts and included very few senior practitioners or representatives from partner organisations.

**2.56** Practitioners varied as to the amount of faith they had in **intelligence** systems. Those who received feedback on the information they submitted and who felt this was valuable were more prepared to invest time in the system.

**2.57** In one force, **intelligence**-led targeting of persistent active offenders with repeat stops led directly to an increase in **disproportionality** because of the ethnicity of those identified.<sup>35</sup>

**2.58** In some forces the role of crime analyst appeared to be outside the mainstream operational work. Analysts in these forces felt marginalised, starved of relevant **intelligence** and unable to influence officers' behaviour.

**2.59** Forces depend on intelligence from the community. This intelligence may, however, be tainted by inherent prejudice and/or by stereotyping by members of the public.

**2.60** Good analysis, **intelligence** systems and tasking meetings had no impact on the effectiveness or **disproportionality** of stops and searches where operational staff lacked faith in the briefing process.

**2.61** The best briefings combined spoken word and sensible use of information technology. Those briefings that encouraged a dialogue between constables and their supervisors were the most successful. However, there were some briefings where it was clear that officers were not taking in the information, and this was confirmed during the course of the shift, where officers' activities did not correspond with the briefings.

**2.62** Briefings by sergeants without line-management responsibility for those being briefed were less successful in directing the activity of individual officers. This, in turn, led to officers using stereotyping rather than **intelligence** to direct their actions.

<sup>35</sup> FitzGerald (1999) points out 'low discretion' searches *Searches (i.e. those based on suspect descriptions) would further disadvantage Black people.*

## Chapter 3: Improving practice through training, supervision and monitoring

*This chapter explains the various training methods and packages that forces can use. It goes on to explore the roles of supervisors and police authorities in supervising and monitoring stop and search activity.*

### Training

**3.1** The effective use of stop and search is linked to the quality and quantity of training received by all officers, from operational to strategic levels.

**3.2** It is important that all training addresses the use of stop and search powers in circumstances where 'reasonable suspicion' is not required (that is, under **section 60 of the Criminal Justice and Public Order Act 1994 and section 44 of the Terrorism Act 2000**).

**3.3** Training for senior authorising officers who should also cover decision-making and giving instructions to operational officers.

**3.4** Successful training will change both how officers use their powers and how these officers are managed and controlled in their use. It should cover three broad areas:

- > legal issues (including the development of the current powers);
- > applying, supervising and monitoring the use of the powers (including exercising discretion, managing the encounter and meeting the recording requirement); and
- > professional and social skills for using the powers (including the historical context for their use and the impact on different communities).

These areas are particularly important for stops and searches carried out under **section 60 of the Criminal Justice and Public Order Act 1994 and section 44 of the Terrorism Act 2000**.

**3.5** How training is delivered (in a classroom or through distance learning) will depend on the resources available and the training officers have already received. It would not be appropriate here to recommend one method over another.

**3.6** Whatever training method is used it is vital that forces are able to *evaluate its effectiveness* and can show some measurable improvement in operational practice.

### The role of tutor constables

**3.7** The police service devotes significant resources to training, and it is vital that all training is translated into learning. The use of tutor constables, which began as a mentoring system in the 1980s, has a valuable role to play. Tutor constables are experienced officers who guide new officers in fair and effective use of their legal and procedural powers.

**3.8** If they are properly chosen, trained and there are systems in place to support them, tutor constables can be key to ensuring that operational officers use powers effectively, efficiently and in ways that lead to increased confidence in all communities.

## Training packages

**3.9** There are a number of good training packages available that cover the three areas listed in **3.4**. The most comprehensive training package is offered by Centrex. Other excellent packages focus more on the interaction between the officer and the person being stopped and searched. The best of these, including the following, offer dynamic interactive training:

- > theatre workshops – City of London Police;
- > Streetcraft, which can be used with Judgemental Tutor and Atti-tutor – Thames Valley Police; and
- > Mocktown (interactive safety centre) – Dorset Police.

All four packages are discussed in the following sections.

### Stops and Searches – Centrex

**3.10** The **Centrex** training package addresses the training of officers at all levels. This is the most comprehensive package available on the subject and the training can be classroom-based, delivered through distance learning or a combination of both. The **Centrex** package also outlines the responsibilities of police authorities and directs officers to the relevant sections of the Human Rights Act 1998, **race equality duty** and the **Stephen Lawrence Inquiry Report (SLIR)**. For more information, contact Neil Stewart on 01423 876745 or [Neil.stewart@centrex.pnn.police.uk](mailto:Neil.stewart@centrex.pnn.police.uk)

### Theatre workshops – City of London Police

**3.11** This approach examines the decision-making process of operational officers by using members of the community in scripted roles. Officers can change the outcomes of scenarios, for example by altering dialogue. This allows them to experiment with different approaches to dealing with the same situation in a safe and controlled environment. The workshops were created after consultation with the community liaison officer and local Black Police Association, and have been used successfully with frontline officers in the City of London force. For more information contact Steve Dyer on 020 7601 2222 or at [stephen.dyer@city-of-london.pnn.police.uk](mailto:stephen.dyer@city-of-london.pnn.police.uk)

### Judgemental Tutor and Atti-Tutor – Thames Valley Police

**3.12** These are related to the Streetcraft package, which offers a way of examining learned behaviour. They explore officers' learned behaviour and attitudes based on their experience of the stop and search powers and procedures, environmental and geographic factors, and the behaviour of individuals they target.

**3.13** Judgemental Tutor examines the officers' decision-making process by using different pre-recorded scenarios to which they respond using a hand-held signaling device as the scenario unfolds. The outcome will depend on the user's answers to particular questions. These locally adaptable scenarios are also designed to test officers' legal knowledge. Officers can discuss and evaluate their decisions with the trainer.

**3.14** An upgraded video-/graphics-based version called Atti-Tutor is now available. Atti-Tutor can be used by a single officer or by several in a classroom environment. When used in a classroom, the trainer directs the session and collects participant responses, which are made via a radio keypad. When the system is set up for a single user the scenarios can be programmed to allow the user to identify patterns in, or attitudes to, decision-making. The Atti-Tutor programme can include questions to test how much users have learned. This is valuable in assessing the effectiveness of training, particularly as the questions are randomly generated to discourage people from trying to learn answers by rote. For more details contact Kevin Ellis on 0845 8505505 or at [kevin.ellis@thamesvalley.police.uk](mailto:kevin.ellis@thamesvalley.police.uk)

### Mock Town (interactive safety centre) – Dorset Police

**3.15** This combines elements of Judgmental Tutor and the theatre workshop approach. Officers are tested on their ability to deal with different operational situations, including stop and search. Depending on the scenario they may need to use their knowledge, skills and awareness of diversity to handle the situation. For more information contact Bob Boulton on 01202 222 003 or at [bob.boulton@dorset.pnn.police.uk](mailto:bob.boulton@dorset.pnn.police.uk)

## The National Centre for Applied Learning Technologies (NCALT)

**3.16 NCALT** is a partnership between the **MPS** and **Centrex**. It was set up to provide police officers and support staff with timely, accurate and valuable e-learning and decision-support information.

### **Recommendation 61: Stop and Account course**

**3.17 NCALT** launched this course in December 2004 to train police officers, community support officers and special constables in the Metropolitan Police in the new requirement to record all stops. It gives participants the opportunity to test their knowledge in a number of possible scenarios.

This course is available to non-Metropolitan Police personnel through the **Centrex** website ([www.centrex.police.uk/business/technologies.html](http://www.centrex.police.uk/business/technologies.html)). For more information contact the helpdesk on 0800 6921 122 or at [servicedesk@centrex.pnn.police.uk](mailto:servicedesk@centrex.pnn.police.uk)

**GOOD PRACTICE CONSULTANCY**

**Extract from studies by the Manheim Centre for Criminology,  
London School of Economics:**

**TRAINING**

Most forces have provided, or are planning to provide, specific training to officers on the recording of stop and account. This training has most commonly been classroom-based although a sizeable number of forces have preferred to use distance learning methods. Supervised training in real life situations has been much less widely used.

The provision of training has been a source of considerable difficulty. Detailed case studies indicate that the demands on training resources are such that those responsible for implementing the recording of stops have experienced difficulties in scheduling training. These difficulties have been augmented by poor communication and coordination between departments, differences in priority-setting and, in some cases, the sheer scale of the exercise.

The Metropolitan Police Service (MPS) provides a good example of the way in which creative learning solutions may be used to provide training to a large number of officers in a relatively short period of time. All stops started to be recorded across the force in October 2004 and this process was supported by an e-learning resource developed by the National Centre for Applied Learning Technologies. The package examines the background to the recording of stops and uses a series of interactive scenario-based exercises – supported by animation, video and photographs – to develop and test officers' knowledge:

I think it's one of those occasions when e-learning is an exact fit for what's actually required. It's a fairly small piece of information that needs to be put over. It's technical information... It's a huge target audience. It's a short timescale... Once they've done the training, they're asked questions throughout it but whether they're right or the wrong answer, they're given the right answer. So there's a pretty much an cast iron guarantee that they will know the information they need to know by the end of it (member of NCALT development team).

A notable feature of the package is its ability to track who has used it and how far they have got. This has enabled the central implementation team to monitor coverage and provide feedback to BCUs.

## Involving communities

**3.18** There are a number of examples of good practice where local communities play a role in training officers on the best of use stop and search. For example:

- > In the Mock Town interactive training centres in Bournemouth, Dorset, people from local communities are used in role-plays. These exercises enable officers to develop professional and interpersonal skills in safe and controlled environments that are none the less challenging.
- > In Cleveland, people from the Showman's Guild work with senior managers at **BCU** level to help officers develop interpersonal skills and increase their cultural awareness of this section of the local community.

## Supervision and Monitoring

**3.19** Training alone is not enough. Research shows that active supervision has the most influence on officers' actions and that leading by example is the best supervisory style.<sup>36</sup>

**3.20** The Streetcraft, Judgmental Tutor and Atti-Tutor and theatre workshop and training packages all provide opportunities for supervisors to observe their officers. Although the situations are artificial, they none the less provide a useful guide to how officers might behave in a real encounter.

**3.21** All the packages mentioned also offer some level of supervisory training for sergeants and inspectors.

## The role of supervisors

**3.22** Supervisors should be fully aware of their statutory responsibilities under the **PACE** code A. Their role is threefold:

- > to check their team's completed forms for accuracy and compliance under **PACE**;
- > to monitoring their team by analysing the data both for the team as a whole and for individuals; and
- > to directly observe team members, even though frontline policing suffers from 'low visibility'.<sup>37</sup>

Where supervisors have concerns they should take immediate action. Serious cases should be formally investigated and could lead to disciplinary action against the officer/s concerned.

**3.23** Checking, monitoring and acting on the data officers supply after the event is not, and should not be, the sole responsibility of sergeants. **PACE** code A paragraph 5.2 states that senior officers must be involved.

**3.24** The **SSAT**, in collaboration with **ACPO** and the Police Federation, has produced a Supervisors' toolkit (**see Annex H**) designed to ensure systematic monitoring of stop and search activity at force, **BCU** and individual officer levels. It should help forces meet their requirement under **PACE** code A to identify inappropriate behaviour and take action.

<sup>36</sup> Engel (2003).

<sup>37</sup> See, for example: Chatterton (1997).

### GOOD PRACTICE CONSULTANCY

Extract from studies by the Manheim Centre for Criminology,  
London School of Economics:

#### SUPERVISION, MONITORING AND INTERNAL ACCOUNTABILITY

As well as providing accountability to individuals who are stopped by officers the recording process can be used to promote accountability *within* the police organisation. Monitoring and supervision have a key role to play in this regard. While supervising officers are typically responsible for checking that stop forms have been fully completed, their role can usefully extend beyond this task. In many forces supervising officers are responsible for assessing the quality of officers' stops and for monitoring their pattern of stops. Technical analysts also have a prominent role in relation to monitoring.

Staffordshire Police have been recording stop and account alongside stop and search since January 2004 and details of all recorded stops are entered onto the force's Command and Control System. The policy holder – a police sergeant – supported by the Performance Development Team, uses this system to monitor stops on a quarterly basis. Disproportionality is assessed by comparing stop figures with figures for the resident population (taken from the census) and this information is circulated to the divisional commander before being presented to the Police Authority. Divisional commanders are expected to investigate any concerns which emerge from the data and account for them. As well as generating aggregate statistics, this system provides information about individual officers, including the ethnic breakdown of the people they have stopped. Such information is seen as a resource to help promote better monitoring and supervision:

*The supervisor is responsible for checking the form, he'll look at it to make sure that it's filled in correctly, everything's filled in, that it's right. But also to look and say 'right okay are the grounds right, has he searched someone and really' – cos you have to put the grounds in – and 'there wasn't grounds for this'... so maybe there's a training need there which will then be addressed through personal development reviews... The other idea is that the supervisor will know how many stop searches I'm putting in and make sure that there's no disproportionality or no bias or prejudice being shown... with the [name of database] there's also a facility for supervisors to look at their individual officers – any individual officer in the force can see how many stop searches they've conducted by ethnicity, by reason, by outcome and so on. So they can look at a bigger picture (police sergeant).*

A performance management approach was also evident in the Metropolitan Police Service, where stop records were seen as offering a way of promoting internal accountability. In Lambeth BCU, for example, stops, disproportionality and arrest rates were being monitored quantitatively by a specialist crime analyst and it was proposed that this information be fed back to front-line officers through routine briefings and supervision. In this way it was hoped to promote a more judicious and **intelligence**-led use of stops.

## The role of police authorities

**3.25 PACE** code A states that in order to increase community confidence in the use of stop and search, police authorities and forces must arrange for comprehensive statistical records to be available for scrutiny by representatives of the community. They should also explain the use of powers at a local level.

**3.26** Authorities should consider:

- > how and at what level they can most effectively exercise oversight and scrutiny on stop and search issues; and
- > how they are going to involve communities in this work.

## Race and diversity: A Strategy for improving performance, 2004–2009

**3.27** This five-year strategy for the Police Race and Diversity Learning and Development Programme was launched by Hazel Blears on 24 November 2004.

**3.28** The strategy represents a new approach to community and race relations training. While race is still the primary focus, the strategy expands the area of work to include the following aspects of diversity:

- > gender;
- > sexual orientation;
- > disability;
- > age; and
- > religion and belief.

As well as police officers it includes police staff and the wider police family (**CSOs**, street wardens, traffic wardens and special constables).

**3.29** The strategy strongly emphasises the need for leadership, for example, through the appointment of force diversity champions and the setting up of force programme boards.

**3.30** Performance assessment is also important. It should be carried out at individual level through national occupational standards and at force and **BCU** levels through **PPAF** (see Chapter 4) and **HMIC** baseline assessments.

**3.31** The strategy aims to:

- > increase knowledge;
- > progress understanding;
- > provide skills;
- > challenge attitudes; and
- > change behaviour.

Dealing competently with race and diversity must become, and remain, a part of every force's core business. At the most basic level, officers and staff need to work effectively with everyone in their local communities in reducing crime. The strategy is available on the Home Office website.

## Chapter 4: Data collection and measurement

*This chapter explains PPAF and outlines current and future measures relating to stop and search with particular reference to ethnicity.*

*It also discusses ADR and the BCS as they relate to stop and search.*

### The Policing Performance and Assessment Framework (PPAF)

#### Background

**4.1 PPAF** is a joint initiative by the Home Office, **ACPO** and the **APA**. It was set up to improve the police service's performance by providing:

- > a framework tailor-made to assess policing, in all its complexity, in a clear and straightforward way;
- > a balanced and fair structure for performance assessment; and
- > information that will help to improve policing through the effective management of the service both locally and nationally.

**4.2** The Home Office will publish the **PPAF** performance assessments when the data for 2004/5 becomes available (autumn 2005).

**4.3 PPAF** measures will be supported by the professional judgement of HMIC. The information from 2004/5 will form the basis of **HMIC's** assessment of forces and **BCUs**.

#### Stop and search measures in PPAF

**4.4 PPAF** includes stop and search, as they are one of a set of measures used to assess the fairness and equality of policing services. They come under the 'Citizen focus' part of the framework.

**4.5** From April 2004, forces have had to report the percentage of **PACE** stops and searches that lead to arrest, by ethnicity. **PPAF** collects this data for each of the 16+1 ethnic groups (see **Annex D** for a list of ethnic groups).

**4.6** In addition, from 2005/6 forces have to report the percentage of other stops and/or searches that lead to arrest, by ethnicity. This information will be used to compare arrest rates for white and ethnic-minority groups.

**4.7** Forces will continue to report the number of stops and stops and searches they make overall. The Home Office will use this information to understand differences in the arrest rates.

**4.8** The Home Office also plans to develop the arrest-rates indicator to look at any differences in what happens after arrest. This could provide a fuller picture of overall performance.

Measuring what happens after an arrest will also take away any incentive for officers to arrest more people than normal as a result of searches in order to make the figures look better.

**4.9** A new measure is being considered for piloting during 2005/6 and possible introduction in 2006/7 which would report the percentage of stops and searches that lead to sanction detections by ethnicity. ('Sanction detection' can be defined as follows: 'the person searched gets a charge, summons, Caution, reprimand or final warning, or penalty notice'. This definition has been taken from the Home Office Research, Development and Statistical Bulletin *Crime in England and Wales*, which is available on the Home

Office website.) The development of this measure depends on linking stop and search information with data on sanctions. This is being considered by **PITO**.

## Annual Data Requirement (ADR)

**4.10** The **ADR** for routine statistical data from the police service was introduced in 2002 under recommendation 38 of the Review of Crime Statistics.<sup>38</sup> The recommendation states that:

A single uniform annual requirement for routine information from the police should be established and maintained by the Home Office in collaboration with ACPO and other government departments. This should encompass all the routine requirements for information from the Home Office RDS, HMIC, any other parts of the Home Office and other parts of central government as necessary.

The aim was to bring together all requests from across central government for police data, thereby reducing unco-ordinated or duplicate requests for similar information in slightly different formats.

**4.11** Ministers have agreed that data on the number of stops by ethnicity will be added to the **ADR** for 2005/6. More work is being done on developing shared reason and outcome codes for stops during 2005 so that if appropriate common codes can be included in future **ADR** collection.

## British Crime Survey (BCS)

**4.12** The annual **BCS** asks randomly selected adults in private households about any experiences of victimisation in the previous year. As well as providing statistics on the proportion of people stopped and searched on foot and in a car, by ethnicity, the **BCS** contains measures for respondents who were stopped and/or searched, either on foot or in a car, asking whether they were satisfied with police handling of the matter. The **BCS** is seen as an important alternative to police records.

**4.13** From 2005/6 the **BCS** will include questions to all respondents on community confidence in the use of stop and search.

<sup>38</sup> Home Office (2000).

### GOOD PRACTICE CONSULTANCY

Extract from studies by the Manheim Centre for Criminology,  
London School of Economics:

#### DATA CAPTURE AND DATA MANAGEMENT

Accurate monitoring depends on effective data capture and management. One of the issues this raises concerns the use of technological applications, such as mobile data terminals to record stops. The use of such applications has attracted considerable interest – not least because it may reduce the bureaucracy involved – but there is little evidence of their actual use. Only three out of the 41 forces surveyed indicated that they had trialled the use technological applications to record stops, reflecting widespread concerns about cost and viability. However, this is likely to be an area of considerable future development. At the London launch, the then Deputy Commissioner, Sir Ian Blair, indicated that technological data-capture would be introduced throughout the MPS within two years.

Most forces are adding stop records to existing databases although some have created (or are creating) stand alone data-bases for this purpose. Data-storage systems have typically been designed by specialist IT police staff or, less commonly, police officers and data-entry is typically the responsibility of police staff (although arrangements vary).

During the implementation of the recording of stops, South Wales Police revamped their information management system. Previously, stop search information had been recorded on a 'fairly basic' database using an Excel Spreadsheet. A new database has been designed by the IT department based on Microsoft Sequel Server. This database is accessible through the force intranet and has different levels of authorisation – from basic users who can search the information without editing it through to the system administrator. It has a number of notable features:

- > *Data entry:* during piloting, records were entered onto the database by police staff based at headquarters, but it is envisaged that this task will be devolved to BCUs. To promote efficiency the system has a data-entry interface which replicates the design of the stop form. All stop records are entered and every piece of information is included. The Business Development Unit, which leads the implementation, estimates that 24 records can be entered per hour and has set a requirement that each stop record should be entered within 48 hours.
- > *Address verification and geo-coding:* the database is linked to a street index which confirms the location of the stop. This facility verifies the accuracy of the entry and provides geo-code information, which can be used for mapping purposes.
- > *Search facility:* authorised users can search the system in a variety of ways – by date, location of stop, name, vehicle information, description etc.
- > *Statistical information:* the database is used to provide statistical returns to the Home Office. It is, in addition, one of the perceived advantages of the new system that statistical information can be retrieved fairly easily so departments no longer have to wait for a statistician to produce information for them. As well as producing aggregate force-level data, the database can be used to 'drill down' to division, team and individual officer.

## Chapter 5: Complaints

*This chapter gives information on the complaints process and the work of the IPCC and the CRE. It also covers the need to use complaints constructively as sources of intelligence.*

### Community Confidence

**5.1** How officers carry out stops and searches has an important effect on community confidence. In *Police Complaints Authority: Stop and Search Complaints* (Davis and Best 2004), most of the complaints were about how officers carried out the stop or the stop and search. Around a third of complainants said that the officers were rude or behaved in an aggressive or threatening way.

**5.2** All officers must realise the damage that can be done to community relations with just one poorly carried out stop and search. If officers are aggressive or rude this can have a particularly negative effect, which can extend beyond the person stopped and into the wider community. This also came out strongly in the Home Office research.<sup>39</sup> Officers must aim to carry out stops and searches professionally, whatever the circumstances, and be aware of their personal responsibility in using the power.

### Complaints by the public

**5.3** The Police Reform Act 2002 sets out procedures for handling complaints against the police, including complaints about the behaviour of police officers and staff involved in stop and search.

**5.4** Complaints can be made directly to the police force concerned or through the IPCC or another advice organisation. Whatever the route, all complaints must by law be recorded by the police force itself.

**5.5** The CRE is an independent statutory agency which was set up under the Race Relations Act 1976. The CRE has both promotional and enforcement powers in relation to race equality.

**5.6** Under the Race Relations Act, individuals can take legal action against unlawful discrimination. The Act also gives the CRE the power to take legal action against certain acts of unlawful discrimination.

**5.7** Racial discrimination in law enforcement, including stop and search, is covered by the Act. If a member of the public believes they have been stopped and searched directly because of their race or colour (or indirectly, for example because of their hairstyle or language they speak) they can make a complaint under the Act. If this happens, they can contact the CRE.

**5.8** For further information please see the 'legal advice' section of the CRE website ([www.cre.gov.uk](http://www.cre.gov.uk)).

### The need to use complaints as intelligence

**5.9** In most cases, the police deal with complaints internally, using their own professional-standard processes.

**5.10** Forces and police authorities need to ensure that complaints are also dealt with as organisational intelligence, and that they use them to address issues of public confidence.<sup>40</sup>

<sup>39</sup> Stone and Pettigrew (2000) and MORI (2004).

<sup>40</sup> See also: Quinton and Miller (2003).

## Data

**5.11** Complaint data will allow forces to identify issues that are affecting public confidence in the use of stop and search powers so that they can learn from these complaints rather than seeing them purely as a negative issue.

**5.12** Police authorities oversee all police complaints and have a duty to analyse the data.

## IPCC

**5.13** In some cases, the **IPCC** may be directly involved in resolving complaints by using its own investigators or by directing police investigators. The **IPCC** will also govern the framework within which such complaints are handled by issuing guidance to the force concerned.

**5.14** The **IPCC** has the power to call in complaints. The police have an obligation to refer certain complaints to the **IPCC**. This allows the **IPCC** to determine the best mode of investigation for each of these complaints. The **IPCC** in consultation with forces may ask for certain categories of complaint to be referred to them where there may be a particular community concern i.e. stop and search.

## Guardianship

**5.15** The **IPCC** may also make recommendations on stop and search policy based on its experience and monitoring of complaints and comments on both the policy itself and the way it is carried out. Such recommendations are especially important where people's experiences of stop and search have led to concerns about over-broad or discriminatory use of police powers. This is part of the commission's guardianship role, which includes disseminating **intelligence** among forces.

## Communication

**5.16** In light of paragraph 5.11, forces should collaborate with local communities and use the analysed data to develop remedial training for officers, including police community support officers where necessary.

## Further information

**5.17** For more details on **IPCC** processes, please visit: [www.ipcc.gov.uk](http://www.ipcc.gov.uk)

## Part 6: Monitoring and public accountability

*This chapter sets out the responsibilities of police authorities in relation to stop and search, as recommended by the APA in their guidance.<sup>41</sup> It also explains the value of community consultation and involvement, with guidance on ways to achieve this.*

### The responsibilities of police authorities

**6.1** The fundamental statutory duty of every police authority is to provide an efficient and effective police service. Trust, confidence and satisfaction in local policing are central to policing by co-operation and to delivering efficient and effective policing. Each police authority should ensure that all its communities have that trust, confidence and satisfaction so it can meet its statutory duty.

### Stephen Lawrence Inquiry Report (SLIR) recommendations

**6.2** Recommendation 62 requires that records of stops, and stops and searches, should be ‘monitored and analysed by police authorities ... and the information and analysis published’.

**6.3** Recommendation 63 requires that ‘police authorities should ... undertake publicity campaigns to ensure that the public is aware of stop and search provisions and the right to receive a record in all circumstances’.

### Race equality duty

**6.4** Every police authority has a duty to:

- > eliminate unlawful racial discrimination;
- > promote equal opportunities; and
- > promote good race relations between the police and people of different racial groups.

**6.5** The police authority must be satisfied that the force is meeting these same duties. To do this the authorities need to monitor police policies and practices (such as stop and search) and, with the chief officer, take immediate steps to tackle any unjustified discrimination. The police authority should also encourage forces to involve the public in this work.

### What should police authorities do?

**6.6** Research has shown that stop and search is most effective when used in a highly focused and intelligence-led way.<sup>42</sup> How officers carry out stop and search is also important – people expect to be treated fairly and with respect, and to be given a valid reason for being searched. Police authorities should ensure that they tackle both these aspects when assessing how forces use stop and search powers.

<sup>41</sup> Stop and search – Asking the right questions – an APA guide for Police Authorities.

<sup>42</sup> Miller et al. (2000).

6.7 All police authorities should have effective monitoring arrangements. In particular, police authorities should consider:

- > how, and at what level, they can most effectively monitor stop and search issues, including what should be dealt with by the full authority and what issues can best be tackled in more detail at committee, panel or working-group level;
- > the extent to which force stop and search policies impact on **black and minority ethnic (BME)** communities; and
- > how they are going to involve local communities in this work.

6.8 In particular, force policy should be seen, agreed and approved by the authority. The police authorities should also oversee force training arrangements.

6.9 Police authorities also have an important role in telling local people about stop and search and their entitlement to an immediate record. Authorities should also discuss with their communities how the police use their powers and how it affects the community's relationship with them.

6.10 There are as yet no specific training packages to help police authorities meet these requirements, but the following publications by the **APA** offer advice:

- > *Recommendation 61 – the Recording of Police Stops. Phased Implementation. APA Guide for Police Authorities. 2003* can be obtained from the **APA** at [www.apa.info@lga.gov.uk](mailto:www.apa.info@lga.gov.uk)
- > *APA Guidance on Involving Communities.* This is valuable reading for police forces and can be found at [www.apa.police.uk/NR/rdonlyres/3AB64E1C-5c90-2d30-9/INVCOMG.pdf](http://www.apa.police.uk/NR/rdonlyres/3AB64E1C-5c90-2d30-9/INVCOMG.pdf)
- > *Metropolitan Police Authority Scrutiny on Stop and Search.* This can be found at [www.mpa.gov.uk/issues/stop-search/scrutiny.htm](http://www.mpa.gov.uk/issues/stop-search/scrutiny.htm)

6.11 Finally, police authorities should assess and monitor how stop and search affects the trust and confidence that the community has in the police, particularly among **BME** communities and younger people. Under **PACE** code A, police authorities and forces should involve local communities in monitoring stop and search data.

6.12 The following table below gives a checklist of 10 areas for police authorities to discuss with their forces and local communities.

## Checklist for police authorities

| Issue   | Important questions for police authorities  |
|---|---|
| <b>Local stop and search policy</b>                     | <ul style="list-style-type: none"> <li>&gt; Has the force policy on stop and search been agreed or approved by the police authority and have they put in place recording arrangements?</li> </ul>   |
| <b>Force and authority race equality strategy (RES)</b> | <ul style="list-style-type: none"> <li>&gt; Is stop and search a high priority within the police authority's and force's RES? If not, why is this?</li> <li>&gt; How do the police authority and force plan to involve communities, including those most affected by stop and search, in assessing the effects of stop and search policies?</li> </ul>                            |
| <b>Training</b>   | <ul style="list-style-type: none"> <li>&gt; Is the police authority satisfied that the force has put in place appropriate arrangements for training officers?</li> </ul>  |
| <b>Supervision</b>                                      | <ul style="list-style-type: none"> <li>&gt; Is the police authority satisfied that the force has arrangements in place to supervise officers using stop and search and that they are monitored at all levels?</li> </ul>  |
| <b>Force monitoring and data collection</b>             | <ul style="list-style-type: none"> <li>&gt; Is the police authority satisfied that the force has systems in place for collecting, analysing and monitoring data on stop and search for individual officers?</li> </ul>  |
| <b>Authority monitoring and scrutiny</b>                | <ul style="list-style-type: none"> <li>&gt; Does the police authority have effective arrangements in place for monitoring stop and search?</li> </ul>   |
| <b>Involving communities</b>                            | <ul style="list-style-type: none"> <li>&gt; How is the police authority going to involve local communities in monitoring stop and search data?</li> <li>&gt; How will this be built into the police authority's wider consultation and community-involvement strategy?</li> <li>&gt; What will the police authority do with the feedback it receives from communities?</li> </ul> |
| <b>Raising awareness</b>                                | <ul style="list-style-type: none"> <li>&gt; What is the police authority doing on a day-to-day basis to raise communities' awareness of their rights when they are stopped and searched?</li> <li>&gt; Is the police authority using the <b>APA</b> publicity material?</li> </ul>  |
| <b>Intelligence</b>                                     | <ul style="list-style-type: none"> <li>&gt; Is the police authority satisfied that the police are effectively monitoring their intelligence for using stop and search?</li> </ul>   |
| <b>Complaints figures</b>                               | <ul style="list-style-type: none"> <li>&gt; Have the force learned from the complaints that they have received?</li> <li>&gt; Have issues that were identified through complaints been addressed, i.e. more training on the use of stop and search powers, or diversity training?</li> </ul>  |

For further information, please visit [www.apa.police.uk](http://www.apa.police.uk)

## Community consultation and involvement

6.13 Previous Home Office research has highlighted the importance of community consultation and involvement for public trust and confidence in stop and search.<sup>43</sup>

6.14 The community's involvement and advocacy is important and should be encouraged where possible. The partnership approach also gives an opportunity to tackle local people's concerns. Forces should look to:

- > give explanations for **disproportionality** where it exists;
- > develop effective consultation with the local community about police operations through independent advisory groups or their equivalent;
- > develop channels for public feedback and encourage complaints from the public (as well as increasing confidence in the complaints system itself);
- > actively involve community members at either grassroots or strategic level to develop ideas and to question police practice (such as scrutinising operations or developing policies); and
- > run joint projects with the public with an agreed and shared agenda.

6.15 We strongly recommend the Home Office publication *Recording of Stops – Implementation Guide*. This assessment of how recording stops was gradually introduced highlights good practice in community consultation in the **MPA** and **MPS**.

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<sup>43</sup> Bland et al. (2000b).

### **GOOD PRACTICE CONSULTANCY**

**Extract from studies by the Manheim Centre for Criminology,  
London School of Economics:**

### **COMMUNITY ENGAGEMENT AND EXTERNAL ACCOUNTABILITY**

Community engagement appears to be generally underdeveloped in relation to the recording of police stops. Only five of the 41 forces surveyed felt they demonstrated good practice in this area. Some emerging examples of good or promising practice were evident, however, and highlighted the importance of independent scrutiny.

The Metropolitan Police Authority emphasised the importance of independence in its guidance on Recommendation 61 Monitoring and Implementation Groups. This guidance established a three-tiered framework:

- > *Bronze*: the group, though including community membership, is supported by the police who chair the meeting and provide administrative support and premises.
- > *Silver*: community involvement has been increased to the extent that the chair of the group is not a police officer, although they may be employed by a statutory body. Either the premises or the administrative support are provided by someone other than the police.
- > *Gold*: the group functions independently of the police in terms of chairing the meeting, providing administrative support and providing the premises. It remains a police responsibility to provide data for the group and to present it in an accessible format.

In the London borough of Lambeth, the Stop and Search Monitoring Group forms a sub-group of the Community Police Consultative Group, which is chaired by Lee Jasper, Race Advisor to the London Mayor. Bringing together police and local members of the community, the Monitoring Group has a key role in ensuring independent scrutiny. It has access to the BCU's raw stops data, which are analysed by community volunteers as well as by a specialist police analyst. Because the monitoring group conducts its own analysis it is able to reinforce or challenge any claims that are made on the basis of the data. This is seen as adding credibility to the process and as promoting community confidence:

When figures have been presented before in public, we can get up to 100 people at a public meeting, and quite frankly in the past the trust hasn't been as great as it is now and those meetings were very, very lively. With independent monitoring, there's much more trust in what's being presented and all the figures are co-presented... it's key that there's some kind of insight and oversight of the data itself because people trust the data more when it's been looked at independently (community member).

Steps were also being taken in South Wales to ensure independent scrutiny. Members of the Police Authority and the Force's Independent Advisory Group sit on the project board and plans were being made to commission university-based academics to analyse the stops data:

There is no point whatsoever in South Wales police as a body producing figures on how we use our powers, given the great deal of suspicion that currently exists with many members of minority groups... So I'm just working towards what we can do to give the public the confidence that what we're producing is not propaganda or distortion. The next step is to commission independent research from highly respected universities and people within the universities that are recognised as being independent and not influenced by the police so that we can demonstrate transparency in what we're doing (senior police officer).

# Annexes

**Annex A** – Frequently asked questions

**Annex B** – References

**Annex C** – Police and Criminal Evidence Act 1984 (PACE)

**Annex D** – Self-defined ethnic classification categories (16+1)

**Annex E** – A summary of the main stop and search powers

**Annex F** – Summary of stop and search recording, monitoring and reporting responsibilities, with effect from 1 April 2005

**Annex G** – Stop and search template (good practice guide)

**Annex H** – Supervisors' toolkit

## Annex A: Frequently asked questions

### Situations that do not constitute a 'stop'

| Scenario  | Answer  |
|---|---|
| If I go to an area and there are 20-plus youths present, and I give them an instruction to leave the area, do I need to record this as a stop?  | <b>No. You are not asking any of the youths to account for themselves and therefore no record is required. The training pre-read has a similar example where the officer says 'What are you up to?' Clearly it would be wholly impracticable to complete forms in such a case (pocket notebook entry would suffice).</b>  |
| I respond to a report of a fight outside a public house. On arrival at the scene, there are a group of approximately 20 people milling around in the street. I approach a number of members of this group to ask them if they know anything about the reported incident, and what they were doing there at that time. Do I need to record this as a stop? | <b>No. You are merely seeking to establish the background to an incident.</b>   |
| If a public order situation develops with subjects other than the person I am talking to, can I ask that person to wait?  | <b>You have no power to require people to 'remain'. This is addressed clearly by the Code of Practice 4.1</b>   |
| What if I person or a group of people deliberately engage with me and request a written record in order to distract or deter me from carrying out my duties?  | <b>The requirement to produce a record is an important safeguard. PACE code A recognises that there are situations when a person may request a written record even when the encounter does not constitute a stop. But the code A also recognises that there may be exceptional circumstances which make it impracticable to do so because of, for example, public order situations or the officer's presence being required urgently elsewhere.</b> |
| If I simply warn someone about a traffic violation, say a faulty light, do I need to record this?   | <b>No. This doesn't fall into the category of a recordable encounter as you are not asking the person to account for themselves.</b>  |
| In the space of five minutes, I see three separate vehicles drive past 'road closed' signs onto a road that is under repair. I stop each of these vehicles, speak to the drivers and advise them with regard to road safety. Is any further action required?  | <b>No. The drivers have simply been advised about their driving. They are not being held to account.</b>  |
| I see a car being driven erratically, I ask the driver to stop and speak to them while a PNC check is carried out. No offences are revealed and I do not detain the driver. Is this a stop?   | <b>If the driver is simply warned about his or her driving then this is not a 'stop'. Undertaking a PNC check in itself would not necessarily require you to ask the driver about the ownership of the car.</b><br><br><b>However, if the driver is asked to account for themselves, then this would be a stop. See the summary of recording responsibilities at Annex F.</b>   |

| Scenario  | Answer  |
|---|---|
| I see a man who appears to be drunk and in a bad way. If I ask him whether he is OK do I need to record this? | <b>No record is required as you are not asking the man to account for himself.</b>  |
| If I speak to an informant, do I need to complete a form?   | <b>Informants are no different from anyone else. If they are in a public place and you ask them to account for themselves then you must record this as a 'stop'. Normal informant contact is covered by other rules and guidelines.</b> |

## Situations that are 'stops' and must be recorded as such

| Scenario   | Answer   |
|--|--|
| What if I speak to a group of youths, ask them to account for what they were doing, have a brief chat with them, record their names and ask them to move on?   | <b>This is a stop and would have to be recorded as such.</b>   |
| I come across a vehicle parked in the car park with four young males in or around it. I carry out a PNC check on the vehicle, check the driving documents of the driver and speak to the four youths about their presence there. Is this a stop? | <b>Yes, because you asked the four youths to account for their presence in the area. However, if only a PNC check alongside a driving document check is carried out, this would not be a 'stop'.</b> |

## General

| Scenario   | Answer   |
|--|--|
| Are the wider 'Police Family' PCSOs to be included in this?                                    | <b>Yes, the wider police family is to be included under recommendation 61.</b>   |
| Do we have to use the 16+1 ethnicity codes?  | <b>Yes. 16+1 was used in the 2001 census and is a national system used by many organisations and agencies. It is required to make comparisons against the resident population.</b> |
| Is there a specific form of words that should be used to ask people to define their ethnicity? | <b>Officers should use their everyday communication skills, although the CRE did recommend the following form of words: 'How would you describe your ethnic background?'</b>       |

## Annex B: References

### Consultation Documents

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# Annex C: Police and Criminal Evidence Act 1984 (PACE)

## Code A

### General

This code of practice must be readily available at all police stations for consultation by police officers, police staff, detained persons and members of the public.

The notes for guidance included are not provisions of this code, but are guidance to police officers and others about its application and interpretation. Provisions in the annexes to the code A re provisions of this code.

This code governs the exercise by police officers of statutory powers to search a person or a vehicle without first making an arrest. The main stop and search powers to which this code A applies are set out in Annex A, but that list should not be regarded as definitive.[See Note 1] In addition, it covers requirements on police officers and police staff to record encounters not governed by statutory powers.

This code does not apply to:

- (a) the powers of stop and search under;
  - (i) Aviation Security Act 1982, section 27(2);
  - (ii) Police and Criminal Evidence Act 1984, section 6(1) (which relates specifically to powers of constables employed by statutory undertakers on the premises of the statutory undertakers).
- (b) searches carried out for the purposes of examination under Schedule 7 to the Terrorism Act 2000 and to which the Code of Practice issued under paragraph 6 of Schedule 14 to the Terrorism Act 2000 applies.

## I Principles governing stop and search

**1.1** Powers to stop and search must be used fairly, responsibly, with respect for people being searched and without unlawful discrimination. The Race Relations (Amendment) Act 2000 makes it unlawful for police officers to discriminate on the grounds of race, colour, ethnic origin, nationality or national origins when using their powers.

**1.2** The intrusion on the liberty of the person stopped or searched must be brief and detention for the purposes of a search must take place at or near the location of the stop.

**1.3** If these fundamental principles are not observed the use of powers to stop and search may be drawn into question. Failure to use the powers in the proper manner reduces their effectiveness. Stop and search can play an important role in the detection and prevention of crime, and using the powers fairly makes them more effective.

**1.4** The primary purpose of stop and search powers is to enable officers to allay or confirm suspicions about individuals without exercising their power of arrest. Officers may be required to justify the use or authorisation of such powers, in relation both to individual searches and the overall pattern of their activity in this regard, to their supervisory officers or in court. Any misuse of the powers is likely to be harmful to policing and lead to mistrust of the police. Officers must also be able to explain their actions to the member of the public searched. The misuse of these powers can lead to disciplinary action.

**1.5** An officer must not search a person, even with his or her consent, where no power to search is applicable. Even where a person is prepared to submit to a search voluntarily, the person must not be searched unless the necessary

legal power exists, and the search must be in accordance with the relevant power and the provisions of this Code. The only exception, where an officer does not require a specific power, applies to searches of persons entering sports grounds or other premises carried out with their consent given as a condition of entry.

## 2 Explanation of powers to stop and search

2.1 This code A applies to powers of stop and search as follows:

- (a) powers which require reasonable grounds for suspicion, before they may be exercised; that articles unlawfully obtained or possessed are being carried, or under Section 43 of the Terrorism Act 2000 that a person is a terrorist;
- (b) authorised under section 60 of the Criminal Justice and Public Order Act 1994, based upon a reasonable belief that incidents involving serious violence may take place or that people are carrying dangerous instruments or offensive weapons within any locality in the police area;
- (c) authorised under section 44(1) and (2) of the Terrorism Act 2000 based upon a consideration that the exercise of one or both powers is expedient for the prevention of Acts of terrorism;
- (d) powers to search a person who has not been arrested in the exercise of a power to search premises (see Code B paragraph 2.3a).

### Searches requiring reasonable grounds for suspicion

2.2 Reasonable grounds for suspicion depend on the circumstances in each case. There must be an objective basis for that suspicion based on facts, information, and/or intelligence which are relevant to the likelihood of finding an article of a certain kind or, in the case of searches under section 43 of the Terrorism Act 2000, to the likelihood that

the person is a terrorist. Reasonable suspicion can never be supported on the basis of personal factors alone without reliable supporting intelligence or information or some specific behaviour by the person concerned. For example, a person's race, age, appearance, or the fact that the person is known to have a previous conviction, cannot be used alone or in combination with each other as the reason for searching that person. Reasonable suspicion cannot be based on generalisations or stereotypical images of certain groups or categories of people as more likely to be involved in criminal Activity.

2.3 Reasonable suspicion can sometimes exist without specific information or intelligence and on the basis of some level of generalisation stemming from the behaviour of a person. For example, if an officer encounters someone on the street at night who is obviously trying to hide something, the officer may (depending on the other surrounding circumstances) base such suspicion on the fact that this kind of behaviour is often linked to stolen or prohibited articles being carried. Similarly, for the purposes of section 43 of the Terrorism Act 2000, suspicion that a person is a terrorist may arise from the person's behaviour at or near a location which has been identified as a potential target for terrorists.

2.4 However, reasonable suspicion should normally be linked to accurate and current intelligence or information, such as information describing an article being carried, a suspected offender, or a person who has been seen carrying a type of article known to have been stolen recently from premises in the area. Searches based on accurate and current intelligence or information are more likely to be effective. Targeting searches in a particular area at specified crime problems increases their effectiveness and minimises inconvenience to law-abiding members of the public. It also helps in justifying the use of searches both to those who are searched and to the public. This does not however prevent stop and search powers being exercised in other locations where such powers may be exercised and reasonable suspicion exists.

2.5 Searches are more likely to be effective, legitimate, and secure public confidence when

reasonable suspicion is based on a range of factors. The overall use of these powers is more likely to be effective when up to date and accurate intelligence or information is communicated to officers and they are well-informed about local crime patterns.

**2.6** Where there is reliable information or intelligence that members of a group or gang habitually carry knives unlawfully or weapons or controlled drugs, and wear a distinctive item of clothing or other means of identification to indicate their membership of the group or gang, that distinctive item of clothing or other means of identification may provide reasonable grounds to stop and search a person. [See Note 9]

**2.7** A police officer may have reasonable grounds to suspect that a person is in innocent possession of a stolen or prohibited article or other item for which he or she is empowered to search. In that case the officer may stop and search the person even though there would be no power of arrest.

**2.8** Under section 43(1) of the Terrorism Act 2000 a constable may stop and search a person whom the officer reasonably suspects to be a terrorist to discover whether the person is in possession of anything which may constitute evidence that the person is a terrorist. These searches may only be carried out by an officer of the same sex as the person searched.

**2.9** An officer who has reasonable grounds for suspicion may detain the person concerned in order to carry out a search. Before carrying out a search the officer may ask questions about the person's behaviour or presence in circumstances which gave rise to the suspicion. As a result of questioning the detained person, the reasonable grounds for suspicion necessary to detain that person may be confirmed or, because of a satisfactory explanation, be eliminated. [See Notes 2 and 3] Questioning may also reveal reasonable grounds to suspect the possession of a different kind of unlawful article from that originally suspected. Reasonable grounds for suspicion however cannot be provided retrospectively by such questioning during a person's detention or by refusal to answer any questions put.

**2.10** If, as a result of questioning before a search, or other circumstances which come to the attention of the officer, there cease to be reasonable grounds for suspecting that an article is being carried of a kind for which there is a power to stop and search, no search may take place. [See Note 3] In the absence of any other lawful power to detain, the person is free to leave at will and must be so informed.

**2.11** There is no power to stop or detain a person in order to find grounds for a search. Police officers have many encounters with members of the public which do not involve detaining people against their will. If reasonable grounds for suspicion emerge during such an encounter, the officer may search the person, even though no grounds existed when the encounter began. If an officer is detaining someone for the purpose of a search, he or she should inform the person as soon as detention begins.

### **Searches authorised under section 60 of the Criminal Justice and Public Order Act 1994**

**2.12** Authority for a constable in uniform to stop and search under section 60 of the Criminal Justice and Public Order Act 1994 may be given if the authorising officer reasonably believes;

- (a) that incidents involving serious violence may take place in any locality in the officer's police area, and it is expedient to use these powers to prevent their occurrence, or
- (b) that persons are carrying dangerous instruments or offensive weapons without good reason in any locality in the officer's police area.

**2.13** An authorisation under section 60 may only be given by an officer of the rank of inspector or above, in writing, specifying the grounds on which it was given, the locality in which the powers may be exercised and the period of time for which they are in force. The period authorised shall be no longer than appears reasonably necessary to prevent, or seek to prevent incidents of serious violence, or to deal with the problem of carrying dangerous instruments or offensive weapons. It may not exceed 24 hours. [See Notes 10-13]

**2.14** If an inspector gives an authorisation, he or she must, as soon as practicable, inform an officer of or above the rank of superintendent. This officer may direct that the authorisation shall be extended for a further 24 hours, if violence or the carrying of dangerous instruments or offensive weapons has occurred, or is suspected to have occurred, and the continued use of the powers is considered necessary to prevent or deal with further such activity. That direction must also be given in writing at the time or as soon as practicable afterwards. [See Note 12]

#### **Powers to require removal of face coverings**

**2.15** Section 60AA of the Criminal Justice and Public Order Act 1994 also provides a power to demand the removal of disguises. The officer exercising the power must reasonably believe that someone is wearing an item wholly or mainly for the purpose of concealing identity. There is also a power to seize such items where the officer believes that a person intends to wear them for this purpose. There is no power to stop and search for disguises. An officer may seize any such item which is discovered when exercising a power of search for something else, or which is being carried, and which the officer reasonably believes is intended to be used for concealing anyone's identity. This power can only be used if an authorisation under section 60 or an authorisation under section 60AA is in force.

**2.16** Authority for a constable in uniform to require the removal of disguises and to seize them under section 60AA may be given if the authorising officer reasonably believes that Activities may take place in any locality in the officer's police area that are likely to involve the commission of offences and it is expedient to use these powers to prevent or control these Activities.

**2.17** An authorisation under section 60AA may only be given by an officer of the rank of inspector or above, in writing, specifying the grounds on which it was given, the locality in which the powers may be exercised and the period of time for which they are in force. The period authorised shall be no longer than appears reasonably necessary to prevent, or seek to prevent the commission of offences. It may not exceed 24 hours. [See Notes 10-13]

**2.18** If an inspector gives an authorisation, he or she must, as soon as practicable, inform an officer of or above the rank of superintendent. This officer may direct that the authorisation shall be extended for a further 24 hours, if crimes have been committed, or is suspected to have been committed, and the continued use of the powers is considered necessary to prevent or deal with further such activity. This direction must also be given in writing at the time or as soon as practicable afterwards. [See Note 12]

#### **Searches authorised under section 44 of the Terrorism Act 2000**

**2.19** An officer of the rank of assistant chief constable (or equivalent) or above, may give authority for the following powers of stop and search under section 44 of the Terrorism Act 2000 to be exercised in the whole or part of his or her police area if the officer considers it is expedient for the prevention of acts of terrorism;

- (a) under section 44(1) of the Terrorism Act 2000, to give a constable in uniform power to stop and search any vehicle, its driver, any passenger in the vehicle and anything in or on the vehicle or carried by the driver or any passenger; and
- (b) under section 44(2) of the Terrorism Act 2000, to give a constable in uniform power to stop and search any pedestrian and anything carried by the pedestrian.

#### **An authorisation under section 44(1) may be combined with one under section 44(2).**

**2.20** If an authorisation is given orally at first, it must be confirmed in writing by the officer who gave it as soon as reasonably practicable.

**2.21** When giving an authorisation, the officer must specify the geographical area in which the power may be used, and the time and date that the authorisation ends (up to a maximum of 28 days from the time the authorisation was given). [See Notes 12 and 13]

**2.22** The officer giving an authorisation under section 44(1) or (2) must cause the Secretary of State to be informed, as soon as reasonably practicable, that such an authorisation has been given. An authorisation which is not confirmed by

the Secretary of State within 48 hours of its having been given, shall have effect up until the end of that 48 hour period or the end of the period specified in the authorisation (whichever is the earlier). [See Note 14]

**2.23** Following notification of the authorisation, the Secretary of State may:

- (i) cancel the authorisation with immediate effect or with effect from such other time as he or she may direct;
- (ii) confirm it but for a shorter period than that specified in the authorisation; or
- (iii) confirm the authorisation as given.

**2.24** When an authorisation under section 44 is given, a constable in uniform may exercise the powers;

- (a) only for the purpose of searching for articles of a kind which could be used in connection with terrorism (see paragraph 2.25);
- (b) whether or not there are any grounds for suspecting the presence of such articles.

**2.24A** When a Community Support Officer on duty and in uniform has been conferred powers under Section 44 of the Terrorism Act 2000 by a Chief Officer of their force, the exercise of this power must comply with the requirements of this Code of Practice, including the recording requirements.

**2.25** The selection of persons stopped under section 44 of Terrorism Act 2000 should reflect an objective assessment of the threat posed by the various terrorist groups active in Great Britain. The powers must not be used to stop and search for reasons unconnected with terrorism. Officers must take particular care not to discriminate against members of minority ethnic groups in the exercise of these powers. There may be circumstances, however, where it is appropriate for officers to take account of a person's ethnic origin in selecting persons to be stopped in response to a specific terrorist threat (for example, some international terrorist groups are associated with particular ethnic identities). [See Notes 12 and 13]

**2.26** The powers under sections 43 and 44 of the Terrorism Act 2000 allow a constable to search only for articles that could be used for terrorist purposes. However, this would not prevent a search being carried out under other powers if, in the course of exercising these powers, the officer formed reasonable grounds for suspicion.

### **Powers to search in the exercise of a power to search premises**

**2.27** The following powers to search premises also authorise the search of a person, not under arrest, who is found on the premises during the course of the search:

- (a) section 139B of the Criminal Justice Act 1988 under which a constable may enter school premises and search the premises and any person on those premises for any bladed or pointed article or offensive weapon; and
- (b) under a warrant issued under section s.23(3) of the Misuse of Drugs Act 1971 to search premises for drugs or documents but only if the warrant specifically authorises the search of persons found on the premises.

**2.28** Before the power under section 139B of the Criminal Justice Act 1988 may be exercised, the constable must have reasonable grounds to believe that an offence under section 139A of the Criminal Justice Act 1988 (having a bladed or pointed article or offensive weapon on school premises) has been or is being committed. A warrant to search premises and persons found therein may be issued under section s23(3) of the Misuse of Drugs Act 1971 if there are reasonable grounds to suspect that controlled drugs or certain documents are in the possession of a person on the premises.

**2.29** The powers in paragraph 2.27(a) or (b) do not require prior specific grounds to suspect that the person to be searched is in possession of an item for which there is an existing power to search. However, it is still necessary to ensure that the selection and treatment of those searched under these powers is based upon objective factors connected with the search of the premises, and not upon personal prejudice.

### 3 Conduct of searches

**3.1** All stops and searches must be carried out with courtesy, consideration and respect for the person concerned. This has a significant impact on public confidence in the police. Every reasonable effort must be made to minimise the embarrassment that a person being searched may experience. [See Note 4]

**3.2** The co-operation of the person to be searched must be sought in every case, even if the person initially objects to the search. A forcible search may be made only if it has been established that the person is unwilling to co-operate or resists. Reasonable force may be used as a last resort if necessary to conduct a search or to detain a person or vehicle for the purposes of a search.

**3.3** The length of time for which a person or vehicle may be detained must be reasonable and kept to a minimum. Where the exercise of the power requires reasonable suspicion, the thoroughness and extent of a search must depend on what is suspected of being carried, and by whom. If the suspicion relates to a particular article which is seen to be slipped into a person's pocket, then, in the absence of other grounds for suspicion or an opportunity for the article to be moved elsewhere, the search must be confined to that pocket. In the case of a small article which can readily be concealed, such as a drug, and which might be concealed anywhere on the person, a more extensive search may be necessary. In the case of searches mentioned in paragraph 2.1(b), (c), and (d), which do not require reasonable grounds for suspicion, officers may make any reasonable search to look for items for which they are empowered to search. [See Note 5]

**3.4** The search must be carried out at or near the place where the person or vehicle was first detained. [See Note 6]

**3.5** There is no power to require a person to remove any clothing in public other than an outer coat, jacket or gloves except under section 45(3) of the Terrorism Act 2000 (which empowers a constable conducting a search under section 44(1) or 44(2) of that Act to require a person to remove headgear and footwear in public) and

under section 60AA of the Criminal Justice and Public Order Act 1994 (which empowers a constable to require a person to remove any item worn to conceal identity). [See Notes 4 and 6] A search in public of a person's clothing which has not been removed must be restricted to superficial examination of outer garments. This does not, however, prevent an officer from placing his or her hand inside the pockets of the outer clothing, or feeling round the inside of collars, socks and shoes if this is reasonably necessary in the circumstances to look for the object of the search or to remove and examine any item reasonably suspected to be the object of the search. For the same reasons, subject to the restrictions on the removal of headgear, a person's hair may also be searched in public (see paragraphs 3.1 and 3.3).

**3.6** Where on reasonable grounds it is considered necessary to conduct a more thorough search (e.g. by requiring a person to take off a T-shirt), this must be done out of public view, for example, in a police van unless paragraph 3.7 applies, or police station if there is one nearby. [See Note 6] Any search involving the removal of more than an outer coat, jacket, gloves, headgear or footwear, or any other item concealing identity, may only be made by an officer of the same sex as the person searched and may not be made in the presence of anyone of the opposite sex unless the person being searched specifically requests it. [See Notes 4, 7 and 8]

**3.7** Searches involving exposure of intimate parts of the body must not be conducted as a routine extension of a less thorough search, simply because nothing is found in the course of the initial search. Searches involving exposure of intimate parts of the body may be carried out only at a nearby police station or other nearby location which is out of public view (but not a police vehicle). These searches must be conducted in accordance with paragraph 11 of Annex A to Code C except that an intimate search mentioned in paragraph 11(f) of Annex A to Code C may not be authorised or carried out under any stop and search powers. The other provisions of Code C do not apply to the conduct and recording of searches of persons detained at police stations in the exercise of stop and search powers. [See Note 7]

### Steps to be taken prior to a search

**3.8** Before any search of a detained person or attended vehicle takes place the officer must take reasonable steps to give the person to be searched or in charge of the vehicle the following information:

- (a) that they are being detained for the purposes of a search
- (b) (the officer's name (except in the case of enquiries linked to the investigation of terrorism, or otherwise where the officer reasonably believes that giving his or her name might put him or her in danger, in which case a warrant or other identification number shall be given) and the name of the police station to which the officer is attached;
- (c) the legal search power which is being exercised; and
- (d) a clear explanation of;
  - (i) the purpose of the search in terms of the article or articles for which there is a power to search; and
  - (ii) in the case of powers requiring reasonable suspicion (see paragraph 2.1(a)), the grounds for that suspicion; or
  - (iii) in the case of powers which do not require reasonable suspicion (see paragraph 2.1(b), and (c)), the nature of the power and of any necessary authorisation and the fact that it has been given.

**3.9** Officers not in uniform must show their warrant cards. Stops and searches under the powers mentioned in paragraphs 2.1(b), and (c) may be undertaken only by a constable in uniform.

**3.10** Before the search takes place the officer must inform the person (or the owner or person in charge of the vehicle that is to be searched) of his or her entitlement to a copy of the record of the search, including his entitlement to a record of the search if an application is made within 12 months, if it is wholly impracticable to make a record at the time. If a record is not made at the time the person should also be told how a copy can be obtained (see section 4). The person should also be given information about police powers to stop and search and the individual's rights in these circumstances.

**3.11** If the person to be searched, or in charge of a vehicle to be searched, does not appear to understand what is being said, or there is any doubt about the person's ability to understand English, the officer must take reasonable steps to bring information regarding the person's rights and any relevant provisions of this Code to his or her attention. If the person is deaf or cannot understand English and is accompanied by someone, then the officer must try to establish whether that person can interpret or otherwise help the officer to give the required information.

## 4 Recording requirements

**4.1** An officer who has carried out a search in the exercise of any power to which this Code A applies, must make a record of it at the time, unless there are exceptional circumstances which would make this wholly impracticable (e.g. in situations involving public disorder or when the officer's presence is urgently required elsewhere). If a record is not made at the time, the officer must do so as soon as practicable afterwards. There may be situations in which it is not practicable to obtain the information necessary to complete a record, but the officer should make every reasonable effort to do so.

**4.2** A copy of a record made at the time must be given immediately to the person who has been searched. The officer must ask for the name, address and date of birth of the person searched, but there is no obligation on a person to provide these details and no power of detention if the person is unwilling to do so.

4.3 The following information must always be included in the record of a search even if the person does not wish to provide any personal details:

- (i) the name of the person searched, or (if it is withheld) a description;
- (ii) a note of the person's self-defined ethnic background; [See Note 18]
- (iii) when a vehicle is searched, its registration number; [See Note 17]
- (iv) the date, time, and place that the person or vehicle was first detained;
- (v) the date, time and place the person or vehicle was searched (if different from (iv));
- (vi) the purpose of the search;
- (vii) the grounds for making it, or in the case of those searches mentioned in paragraph 2.1(b) and (c), the nature of the power and of any necessary authorisation and the fact that it has been given; [See Note 17]
- (viii) its outcome (e.g. arrest or no further Action);
- (ix) a note of any injury or damage to property resulting from it;
- (x) subject to paragraph 3.8(a), the identity of the officer making the search. [See Note 15]

4.4 Nothing in paragraph 4.3 (x) requires the names of police officers to be shown on the search record or any other record required to be made under this code in the case of enquiries linked to the investigation of terrorism or otherwise where an officer reasonably believes that recording names might endanger the officers. In such cases the record must show the officers' warrant or other identification number and duty station.

4.5 A record is required for each person and each vehicle searched. However, if a person is in a vehicle and both are searched, and the object and grounds of the search are the same, only one record need be completed. If more than one person in a vehicle is searched, separate records for each search of a person must be made. If only a vehicle is searched, the name of the driver and his or her self-defined ethnic background must be recorded, unless the vehicle is unattended.

4.6 The record of the grounds for making a search must, briefly but informatively, explain the reason for suspecting the person concerned, by reference to the person's behaviour and/or other circumstances.

4.7 Where officers detain an individual with a view to performing a search, but the search is not carried out due to the grounds for suspicion being eliminated as a result of questioning the person detained, a record must still be made in accordance with the procedure outlined above.

4.8 After searching an unattended vehicle, or anything in or on it, an officer must leave a notice in it (or on it, if things on it have been searched without opening it) recording the fact that it has been searched.

4.9 The notice must include the name of the police station to which the officer concerned is attached and state where a copy of the record of the search may be obtained and where any application for compensation should be directed.

4.10 The vehicle must if practicable be left secure.

#### **Recording of encounters not governed by statutory powers**

4.11 It is up to individual forces to decide when they implement paragraphs 4.12 to 4.20 of this Code. However, there must be full implementation across every force prior to 1st April 2005. Consequently, if an officer requests a person in a public place to account for themselves prior to 1st April 2005 and in an area where the force has not at that time implemented these provisions, no record will be completed.

**4.12** When an officer requests a person in a public place to account for themselves, i.e. their Actions, behaviour, presence in an area or possession of anything, a record of the encounter must be completed at the time and a copy given to the person who has been questioned. The record must identify the name of the officer who has made the stop and conducted the encounter. This does not apply under the exceptional circumstances outlined in paragraph 4.1 of this Code.

**4.13** This requirement does not apply to general conversations such as when giving directions to a place, or when seeking witnesses. It also does not include occasions on which an officer is seeking general information or questioning people to establish background to incidents which have required officers to intervene to keep the peace or resolve a dispute.

**4.14** When stopping a person in a vehicle, a separate record need not be completed when an HORT/I form, a Vehicle Defect Rectification Scheme Notice, or an Endorsable Fixed Penalty ticket is issued. It also does not apply when a specimen of breath is required under Section 6 of the Road Traffic Act 1988.

**4.15** Officers must inform the person of their entitlement to a copy of a record of the encounter.

**4.16** The provisions of paragraph 4.4 of this Code apply equally when the encounters described in 4.12 and 4.13 are recorded.

**4.17** The following information must be included in the record

- (i) the date, time and place of the encounter;
- (ii) if the person is in a vehicle, the registration number;
- (iii) the reason why the officer questioned that person; [See Note 18]
- (iv) a note of the person's self-defined ethnic background; [See Note 19]
- (v) the outcome of the encounter.

**4.18** There is no power to require the person questioned to provide personal details. If a person refuses to give their self-defined ethnic background, a form must still be completed, which includes a description of the person's ethnic background. [See Note 19]

**4.19** A record of an encounter must always be made when a person requests it, regardless of whether the officer considers that the criteria set out in 4.12 have been met. If the form was requested when the officer does not believe the criteria were met, this should be recorded on the form.

**4.20** All references to officers in this section include police staff designated as Community Support Officers under section 38 of the Police Reform Act 2002.

## 5 Monitoring and supervising the use of stop and search powers

**5.1** Supervising officers must monitor the use of stop and search powers and should consider in particular whether there is any evidence that they are being exercised on the basis of stereotyped images or inappropriate generalisations. Supervising officers should satisfy themselves that the practice of officers under their supervision in stopping, searching and recording is fully in accordance with this Code. Supervisors must also examine whether the records reveal any trends or patterns which give cause for concern, and if so take appropriate Action to address this

**5.2** Senior officers with area or force-wide responsibilities must also monitor the broader use of stop and search powers and, where necessary, take Action at the relevant level.

**5.3** Supervision and monitoring must be supported by the compilation of comprehensive statistical records of stops and searches at force, area and local level. Any apparently disproportionate use of the powers by particular officers or groups of officers or in relation to specific sections of the community should be identified and investigated.

5.4 In order to promote public confidence in the use of the powers, forces in consultation with police authorities must make arrangements for the records to be scrutinised by representatives of the community, and to explain the use of the powers at a local level.[See Note 19].

### Notes for Guidance

#### Officers exercising stop and search powers

1 This code does not affect the ability of an officer to speak to or question a person in the ordinary course of the officer's duties without detaining the person or exercising any element of compulsion. It is not the purpose of the code to prohibit such encounters between the police and the community with the co-operation of the person concerned and neither does it affect the principle that all citizens have a duty to help police officers to prevent crime and discover offenders. This is a civic rather than a legal duty; but when a police officer is trying to discover whether, or by whom, an offence has been committed he or she may question any person from whom useful information might be obtained, subject to the restrictions imposed by Code C. A person's unwillingness to reply does not alter this entitlement, but in the absence of a power to arrest, or to detain in order to search, the person is free to leave at will and cannot be compelled to remain with the officer.

2 In some circumstances preparatory questioning may be unnecessary, but in general a brief conversation or exchange will be desirable not only as a means of avoiding unsuccessful searches, but to explain the grounds for the stop/search, to gain co-operation and reduce any tension there might be surrounding the stop/search.

3 Where a person is lawfully detained for the purpose of a search, but no search in the event takes place, the detention will not thereby have been rendered unlawful.

4 Many people customarily cover their heads or faces for religious reasons – for example, Muslim women, Sikh men, Sikh or Hindu women, or Rastafarian men or women. A police officer cannot order the removal of a head or face covering except where there is reason to believe that the item is being worn by the individual wholly or mainly for the purpose of disguising identity, not simply because it disguises identity. Where there may be religious sensitivities about ordering the removal of such an item, the officer

should permit the item to be removed out of public view. Where practicable, the item should be removed in the presence of an officer of the same sex as the person and out of sight of anyone of the opposite sex.

5 A search of a person in public should be completed as soon as possible.

6 A person may be detained under a stop and search power at a place other than where the person was first detained, only if that place, be it a police station or elsewhere, is nearby. Such a place should be located within a reasonable travelling distance using whatever mode of travel (on foot or by car) is appropriate. This applies to all searches under stop and search powers, whether or not they involve the removal of clothing or exposure of intimate parts of the body (see paragraphs 3.6 and 3.7) or take place in or out of public view. It means, for example, that a search under the stop and search power in section 23 of the Misuse of Drugs Act 1971 which involves the compulsory removal of more than a person's outer coat, jacket or gloves cannot be carried out unless a place which is both nearby the place they were first detained and out of public view, is available. If a search involves exposure of intimate parts of the body and a police station is not nearby, particular care must be taken to ensure that the location is suitable in that it enables the search to be conducted in accordance with the requirements of paragraph 11 of Annex A to Code C.

7 A search in the street itself should be regarded as being in public for the purposes of paragraphs 3.6 and 3.7 above, even though it may be empty at the time a search begins. Although there is no power to require a person to do so, there is nothing to prevent an officer from asking a person voluntarily to remove more than an outer coat, jacket or gloves (and headgear or footwear under section 45(3) of the Terrorism Act 2000) in public.

8 Where there may be religious sensitivities about asking someone to remove headgear using a power under section 45(3) of the Terrorism Act 2000, the police officer should offer to carry out the search out of public view (for example, in a police van or police station if there is one nearby).

9 Other means of identification might include jewellery, insignias, tattoos or other features which are known to identify members of the particular gang or group.

### Authorising officers

**10** The powers under section 60 are separate from and additional to the normal stop and search powers, which require reasonable grounds to suspect an individual of carrying an offensive weapon (or other article). Their overall purpose is to prevent serious violence and the widespread carrying of weapons which might lead to persons being seriously injured by disarming potential offenders in circumstances where other powers would not be sufficient. They should not therefore be used to replace or circumvent the normal powers for dealing with routine crime problems. The purpose of the powers under section 60AA is to prevent those involved in intimidatory or violent protests using face coverings to disguise identity.

**11** Authorisations under section 60 require a reasonable belief on the part of the authorising officer. This must have an objective basis, for example: intelligence or relevant information such as a history of antagonism and violence between particular groups; previous incidents of violence at, or connected with, particular events or locations; a significant increase in knife-point robberies in a limited area; reports that individuals are regularly carrying weapons in a particular locality; or in the case of section 60AA previous incidents of crimes being committed while wearing face coverings to conceal identity.

**12** It is for the authorising officer to determine the period of time during which the powers mentioned in paragraph 2.1 (b) and (c) may be exercised. The officer should set the minimum period he or she considers necessary to deal with the risk of violence, the carrying of knives or offensive weapons, or terrorism. A direction to extend the period authorised under the powers mentioned in paragraph 2.1 (b) may be given only once. Thereafter further use of the powers requires a new authorisation. There is no provision to extend an authorisation of the powers mentioned in paragraph 2.1 (c); further use of the powers requires a new authorisation.

**13** It is for the authorising officer to determine the geographical area in which the use of the powers is to be authorised. In doing so the officer may wish to take into account factors such as the nature and venue of the anticipated incident, the number of people who may be in the immediate area of any possible incident, their access to surrounding areas and the anticipated level of violence. The officer should not set a geographical area which is wider than that he or

she believes necessary for the purpose of preventing anticipated violence, the carrying of knives or offensive weapons, Acts of terrorism, or, in the case of section 60AA, the prevention of commission of offences. It is particularly important to ensure that constables exercising such powers are fully aware of where they may be used. If the area specified is smaller than the whole force area, the officer giving the authorisation should specify either the streets which form the boundary of the area or a divisional boundary within the force area. If the power is to be used in response to a threat or incident that straddles police force areas, an officer from each of the forces concerned will need to give an authorisation.

**14** An officer who has authorised the use of powers under section 44 of the Terrorism Act 2000 must take immediate steps to send a copy of the authorisation to the National Joint Unit, Metropolitan Police Special Branch, who will forward it to the Secretary of State. The Secretary of State should be informed of the reasons for the authorisation. The National Joint Unit will inform the force concerned, within 48 hours of the authorisation being made, whether the Secretary of State has confirmed or cancelled or altered the authorisation.

### Recording

**15** Where a stop and search is conducted by more than one officer the identity of all the officers engaged in the search must be recorded on the record. Nothing prevents an officer who is present but not directly involved in searching from completing the record during the course of the encounter.

**16** Where a vehicle has not been allocated a registration number (e.g. a rally car or a trials motorbike) that part of the requirement under 4.3(iii) does not apply.

**17** It is important for monitoring purposes to specify whether the authority for exercising a stop and search power was given under section 60 of the Criminal Justice and Public Order Act 1994, or under section 44(1) or 44(2) of the Terrorism Act 2000.

18 Officers should record the self-defined ethnicity of every person stopped according to the categories used in the 2001 census question listed in Annex B. Respondents should be asked to select one of the five main categories representing broad ethnic groups and then a more specific cultural background from within this group. The ethnic classification should be coded for recording purposes using the coding system in Annex B. An additional “Not stated” box is available but should not be offered to respondents explicitly. Officers should be aware and explain to members of the public, especially where concerns are raised, that this information is required to obtain a true picture of stop and search Activity and to help improve ethnic monitoring, tackle discriminatory practice, and promote effective use of the powers. If the person gives what appears to the officer to be an “incorrect” answer (e.g. a person who appears to be white states that they are black), the officer should record the response that has been given. Officers should also record their own perception of the ethnic background of every person stopped and this must be done by using the PNC/Phoenix classification system. If the “Not stated” category is used the reason for this must be recorded on the form.

19 Arrangements for public scrutiny of records should take account of the right to confidentiality of those stopped and searched. Anonymised forms and/or statistics generated from records should be the focus of the examinations by members of the public.

## Annex D: Self-defined ethnic classification categories (16+1)

|                               |           |
|-------------------------------|-----------|
| <b>White</b>                  | <b>W</b>  |
| A. White – British            | W1        |
| B. White – Irish              | W2        |
| C. Any other White background | W9        |
| <b>Mixed</b>                  | <b>M</b>  |
| D. White and Black Caribbean  | M1        |
| E. White and Black African    | M2        |
| F. White and Asian            | M3        |
| G. Any other Mixed Background | M9        |
| <b>Asian/Asian – British</b>  | <b>A</b>  |
| H. Asian – Indian             | A1        |
| I. Asian – Pakistani          | A2        |
| J. Asian – Bangladeshi        | A3        |
| K. Any other Asian background | A9        |
| <b>Black/Black – British</b>  | <b>B</b>  |
| L. Black – Caribbean          | B1        |
| M. Black African              | B2        |
| N. Any other Black background | B9        |
| <b>Other</b>                  | <b>O</b>  |
| O. Chinese                    | O1        |
| P. Any other                  | O9        |
| <b>Not Stated</b>             | <b>NS</b> |

## Annex E: A summary of the main stop and search powers

| Power   | Object of Search  | Extent of Search   | Where Exercisable  |
|---|---|--|--|
| <i>Unlawful articles general</i>                |   |  |  |
| 1. Public Stores Act 1875, s6                   | HM Stores stolen or unlawfully obtained   | Persons, vehicles and vessels  | Anywhere where the constabulary powers are exercisable   |
| 2. Firearms Act 1968, s47                       | Firearms  | Persons and vehicles   | A public place, or anywhere in the case of reasonable suspicion of offences of carrying firearms with criminal intent or trespassing with firearms |
| 3. Misuse of Drugs Act 1971, s23                | Controlled drugs  | Persons and vehicles   | Anywhere   |
| 4. Customs and Excise Management Act 1979, s163 | Goods: (a) on which duty has not been paid; (b) being unlawfully removed, imported or exported; (c) otherwise liable to forfeiture to HM Customs and Excise | Vehicles and vessels only  | Anywhere   |
| 5. Aviation Security Act 1982, s27(1)           | Stolen or unlawfully obtained goods   | Airport employees and vehicles carrying airport employees or aircraft or any vehicle in a cargo area whether or not carrying an employee | Any designated airport   |

| Power  | Object of Search   | Extent of Search              | Where Exercisable  |
|--|--|-------------------------------|--|
| 6. Police and Criminal Evidence Act 1984, s1   | Stolen goods; articles for use in certain Theft Act offences; offensive weapons, including bladed or sharply-pointed articles (except folding pocket knives with a bladed cutting edge not exceeding 3 inches) | Persons and vehicles          | Where there is public access   |
|  | Criminal Damage: Articles made, adapted or intended for use in destroying or damaging property   | Persons and vehicles          | Where there is public access   |
| Police and Criminal Evidence Act 1984, s6(3) (by a constable of the United Kingdom Atomic Energy Authority Constabulary in respect of property owned or controlled by British Nuclear Fuels plc) | HM Stores (in the form of goods and chattels belonging to British Nuclear Fuels plc)   | Persons, vehicles and vessels | Anywhere where the constabulary powers are exercisable   |
| 7. Sporting events (Control of Alcohol etc.) Act 1985, s7  | Intoxicating liquor  | Persons, coaches and trains   | Designated sports grounds or coaches and trains travelling to or from a designated sporting event. |
| 8. Crossbows Act 1987, s4  | Crossbows or parts of crossbows (except crossbows with a draw weight of less than 1.4 kilograms)   | Persons and vehicles          | Anywhere except dwellings  |
| 9. Criminal Justice Act 1988 s139B   | Offensive weapons, bladed or sharply pointed article   | Persons                       | School premises  |
| <b>Evidence of game and wildlife offences</b>  |  |                               |  |
| 10. Poaching Prevention Act 1862, s2   | Game or poaching equipment   | Persons and vehicles          | A public place   |
| 11. Deer Act 1991, s12   | Evidence of offences under the Act   | Persons and vehicles          | Anywhere except dwellings  |
| 12. Conservation of Seals Act 1970, s4   | Seals or hunting equipment   | Vehicles only                 | Anywhere   |
| 13. Badgers Act 1992, s11  | Evidence of offences under the Act   | Persons and vehicles          | Anywhere   |
| 14. Wildlife and Countryside Act 1981, s19   | Evidence of wildlife offences  | Persons and vehicles          | Anywhere except dwellings  |

| Power  | Object of Search   | Extent of Search  | Where Exercisable  |
|--|--|---|--|
| <b>Other</b>   |  |   |  |
| <b>15.</b> Terrorism Act 2000, s.43  | Articles which may constitute evidence that a person is a terrorist  | Persons   | Anywhere   |
| <b>16.</b> Terrorism Act 2000, s.44(1)   | Articles of a kind which could be used in connection with terrorism  | Vehicles, driver and passengers   | Anywhere within the authorised area  |
| <b>17. 15.</b> Terrorism Act 2000, s.44(2)   | Articles of a kind which could be used in connection with terrorism  | Pedestrians   | Anywhere within the authorised area  |
| <b>18.</b> Paragraph 7 of Schedule 7 to the Terrorism Act 2000   | Persons on board a ship or aircraft who should be questioned under para 2 (to determine whether they fall within the definition in section 40(1)(b)) | Ships, aircraft, and anything on a ship or an aircraft                      | Ports and airports   |
| <b>19.</b> Paragraph 8 of Schedule 7 to the Terrorism Act 2000   | To determine whether a person being questioned under para 2 falls within section 40(1)(b). Sub-paragraph (2) deals with searches in the border area  | Persons and their possessions, ships, aircraft, vehicles in the border area | Ports and airports, the border area between Northern Ireland and the Republic of Ireland |
| <b>20.</b> Paragraphs 7 and 8 of Schedule 7 to the Terrorism Act 2000                                      | Anything relevant to determining if a person being examined falls within paragraph 2(1)(a) to (c) of Schedule 5                                      | Persons, vehicles, vessels etc.   | Ports and airports   |
| <b>21.</b> Section 60 Criminal Justice and Public Order Act 1994, as amended by s.8 of the Knives Act 1997 | Offensive weapons or dangerous instruments to prevent incidents of serious violence or to deal with the carrying of such items                       | Persons and vehicles  | Anywhere within a locality authorised under subsection (1)                               |

## Annex F: Summary of stop and search recording, monitoring and reporting responsibilities, with effect from 1 April 2005

| No. | Circumstances  | Classification | Statutory requirement to record, monitor and report?  |
|-----|--|----------------|---|
| 1.  | An officer has reasonable grounds so stops, detains and physically searches a person.  | A SEARCH       | Yes   |
| 2.  | An officer has reasonable grounds so stops, detains but does not search because during questioning the need to search is negated.  | A 'STOP'       | Yes   |
| 3.  | An officer 'encounters' a person and asks them to account for their Actions, behaviour, presence in an area or possession of something.  | A STOP'        | Yes   |
| 4.  | An officer engages with a group of witnesses to establish the background to an incident.   | NOT A 'STOP'   | No  |
| 5.  | An officer carries out a search under section 60 of the Criminal Justice and Public Order Act 1994.  | A SEARCH       | Yes   |
| 6.  | An officer stops a vehicle (using powers under the Road Traffic Act 1988) and asks the driver/passengers to account for their Actions, behaviour, presence in an area or possession of something as defined in <b>PACE</b> Code A para 4.12.   | A 'STOP'       | Yes, unless a HORT1, VDRS notice or endorseable fixed penalty notice is issued to the driver. The passenger(s) will have to be issued with a stop form if they are being asked to account for themselves. |
| 7.  | An officer stops a vehicle (using powers under the Road Traffic Act 1988) as it has committed a moving traffic offence or the officer requires the production of driving documents and a HORT/1, <sup>a</sup> VDRS <sup>b</sup> or EFPN <sup>c</sup> <b>is not</b> issued.   | NOT A 'STOP'   | No<br><br>But – if during the course of the stop the person is asked to account for themselves, that would be considered to be a stop in accordance with <b>PACE</b> Code A.                              |
| 8.  | An officer stops a vehicle (using powers under the Road Traffic Act 1988) as it has committed a moving traffic offence or the officer requires the production of driving documents and a HORT/1, <sup>a</sup> VDRS <sup>b</sup> or EFPN <sup>c</sup> is issued, or an officer requires a specimen of breath under Section 6. | NOT A 'STOP'   | No  |

### Note

<sup>a</sup> HORT/1 is a 'producer' issued to motorists requiring them to produce their driving documents at a police station.

<sup>b</sup> VDRS is the Vehicle Defect Rectification Scheme Notice issued to motorists whose vehicle has a minor fault requiring them to remedy that fault and provide confirmation of rectification within a certain period.

<sup>c</sup> EFPN is an Endorsable Fixed Penalty Notice issued to motorists when penalty points are to be added to their licence, e.g. for speeding.

## Annex G: stop and search template (good practice guide)

The following template is based on the **Practice-orientated Package (POP)** developed by the **Stop and Search Action Team (SSAT)**. It is intended to help all forces identify the reasons for **disproportionality** and take the appropriate remedial actions. Please bear in mind, however, that the template is closely based on what the **SSAT** observed while working in five **basic command units (BCUs)** each in a different force. Please note too that the remedial actions are as yet untested and have not been evaluated.

The following key is used:

High positive/negative impact

Medium positive/negative impact

Low positive/negative impact

| Factor  | Potential impact on effectiveness of stop and search  | Potential impact on disproportionality of stop and search   | Appropriate remedial action   |
|---|---|---|---|
| <b>Policy</b>   |   |   |   |
| <b>P1</b> Poorly drafted or outdated policy documents on use of stop and search.                      | Practitioners lack confidence in conducting stops and searches. Greater possibility of illegal searches being conducted.  | Limited direct impact on disproportionality but if PACE guidelines not adhered to there will be a greater potential for disproportionality. | Force policy to be reviewed annually in line with new PACE guidelines. Policies should be up to date, concise, contain an unambiguous statement on the use of the power, be understandable to the community and set out explicitly the key areas of responsibilities. |
| <b>P2</b> Force policy on stop and search not a unified vision from chief constable to practitioners. | High impact with power not used for correct purpose. A significant risk of illegal searches being conducted and a legal challenge to the continued use of the power by the force. | Evidence of high impact on disproportionality through a lack of understanding by practitioners as to the purpose of stop and search.        | Chief constable to publish annually a clear force policy statement on the use of stop and search to all practitioners and, to the community via local media.  |
| <b>P3</b> Force middle managers use quantity of stop and search encounters as a performance measure   | Stops and searches conducted improperly to artificially raise quotas. Highly ineffective practice.  | High impact on disproportionality when practitioners are encouraged to look at 'soft' or stereotypical individuals to stop and search.      | Unequivocal policy statement from chief constable explicitly stating that the quantity of stops and searches cannot be a performance measure.   |

| Factor   | Potential impact on effectiveness of stop and search  | Potential impact on disproportionality of stop and search   | Appropriate remedial action   |
|--|---|---|---|
| <b>Operation</b>   |   |   |   |
| <b>O1</b> stop and search activity not linked to National Intelligence Model (NIM).                        | Activity becomes a 'fishing exercise' not linked to intelligence. Highly inefficient and wasteful of resources. | High impact on disproportionality with officers relying on 'gut instinct' and stereotyping to identify suspects.      | Ensure practitioners' activity is exclusively/primarily driven by NIM model. Ensure that NIM is fully implemented and intelligence being fed in is risk assessed.   |
| <b>O2</b> Practitioners have no confidence in the force intelligence system.                               | Intelligence systems can only function effectively if practitioners have confidence in the system.              | High impact on disproportionality with officers relying on 'gut instinct' and stereotyping to identify suspects.      | Forces should test officer confidence in the force intelligence system by assessing number of logs submitted. The credibility of the force analysts is key to success   |
| <b>O3</b> Poor link between tasking and daily briefing meetings.   | Only a strong linkage between tasking and briefing meetings leads to effective use of stop and search.          | Potentially highly significant impact on disproportionality.  | Regular checks by senior managers to ensure that briefings accurately reflect force tasking priorities and that the relevant information has been digested by operational staff. Ad hoc Interviews of operational staff leaving briefings would provide this information quickly and effectively. |
| <b>O4</b> Specialist officers not fully briefed active within a specific area.                             | Officers not fully briefed locally will not operate effectively.  | Staff not fully briefed locally more likely to act in a discriminatory fashion.                                       | Ensure all operational staff deployed receive the same briefing including specialist staff.   |
| <b>O5</b> Ineffective tasking meetings.  | Tasking meetings ensure the effective running of stop and search.   | Tasking meetings have the potential to be the most significant factor in determining the level of disproportionality. | The importance and significance of tasking meetings need to be fully appreciated. They require senior staff to be fully engaged. The make up of tasking meetings should be reviewed to ensure a correct balance between analysts practitioners and key partners.                                  |
| <b>O6</b> Government priorities target specific groups within the community (e.g street crime initiative). | Potentially stop and search activity can have unanticipated consequences.                                       | Can have a strong affect on disproportionality.   | Ensure that all Government priorities are subject to a rigorous local race impact assessment  |

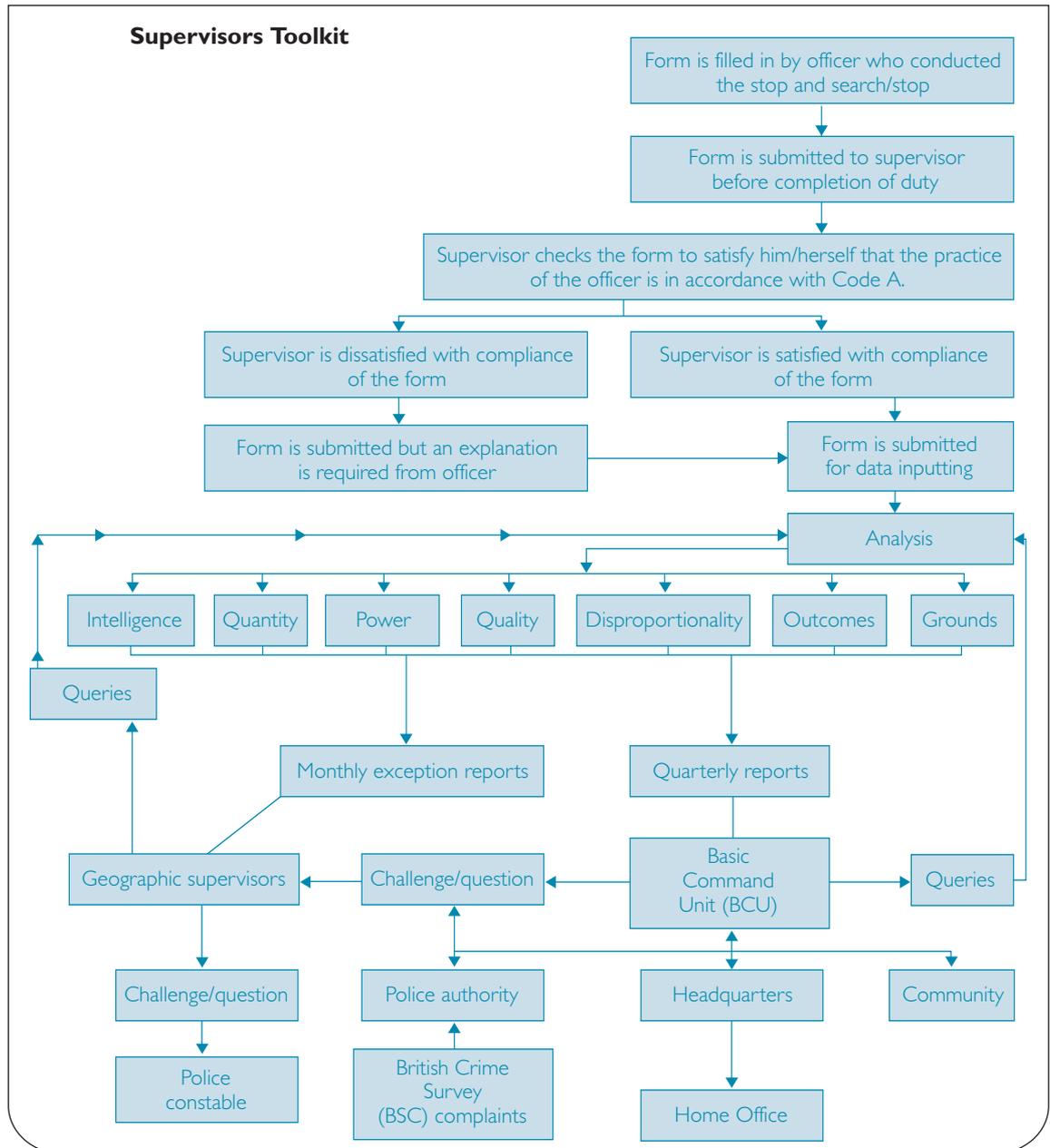
| Factor  | Potential impact on effectiveness of stop and search   | Potential impact on disproportionality of stop and search  | Appropriate remedial action  |
|---|--|--|--|
| <p><b>O7</b> Stop and search used to target persistent offenders.</p>                     | <p>Some evidence to suggest that a targeted aggressive use of stop and search can be effective in curtailing the activities of persistent offenders.</p> | <p>Dependent upon ethnicity of persistent offenders.</p>   | <p>Ensure that intelligence system used is free from racial bias.</p>  |
| <p><b>O8</b> Officers responses to people from a different culture.</p>                   | <p>Evidence suggests that officers may take further action outside PACE guidelines against those who are not compliant.</p>                              | <p>Separate studies demonstrate that certain black and minority (BME) groups will be more compliant in their dealings with the police. This lack of compliance could arise from a belief that they will not receive equal treatment.</p> | <p>Training needs to ensure that the power of stop and search is not improperly used to control behaviour. In addition officers need diversity training to enable them to work in diverse communities.</p>   |
| <p><b>O9</b> Stop and search used ineffectively to target certain offences/offenders.</p> | <p>Arrest rate figures show that the power has limited effect in the detection of certain offences.</p>  | <p>Limited impact.</p>   | <p>Given the potential negative impact on community confidence forces should review the use PACE stop and search powers to detect offences where arrest rates fall below 10%.</p>  |
| <p><b>O10</b> Prejudice or stereotyping from members of the public.</p>                   | <p>High impact on efficiency</p>   | <p>High impact on disproportionality.</p>  | <p>Forces need to ensure that all intelligence is risk assessed in line with NIM and where possible information is assessed in the light of current community tensions.</p>  |
| <p><b>Supervision</b></p>   |  |  |  |
| <p><b>S1</b> Poor quality of briefing meetings.</p>                                       | <p>Good-quality briefing is essential to effective and proper use of the power.</p>  | <p>High impact on disproportionality with officers relying on 'gut instinct' and stereotyping to identify suspects.</p>  | <p>Supervisor's performance in briefing practitioners should be seen as integral to their role. Briefings should have clarity and preferably be interactive. Consistency in who conducts briefings whilst not always possible will contribute to more effective briefings.</p> |

| Factor  | Potential impact on effectiveness of stop and search  | Potential impact on disproportionality of stop and search   | Appropriate remedial action   |
|---|---|---|---|
| <b>S2</b> Ineffective management of practitioners by supervisors.           | Poor performance is not checked and good performance is not encouraged.   | High impact, with the potential for practitioners to behave in a discriminatory manner without effective checks.  | Each force to lay down explicitly the responsibilities of supervisors in accordance with PACE. All supervisors to receive training on the supervision of the activity. Supervisors to check individual officer's records quarterly. Incomplete forms to be handed back to supervisors to ensure completion. |
| <b>Monitoring</b>   |   |   |   |
| <b>M1</b> Publication nationally of section 95 figures without a context.   | Practitioners become overly defensive in the use of the power.  | Ineffectual in reducing disproportionality.   | Forces and police authorities should take ownership of the figures and put a context around local figures to assist practitioners and communities to understand the primary drivers and inform the change process where appropriate.  |
| <b>M2</b> Forms not completed by practitioners.                             | No flow of intelligence makes process less efficient.   | Can have a powerful effect on reported levels of disproportionality.  | Supervisors need to reinforce message to practitioners on the importance of correctly completing and submitting forms. Supervisors should emphasise the fact that any intelligence system is only as good as the intelligence that is fed into it.  |
| <b>M3</b> Discrepancies between 'street' and 'resident' population figures. | Officers conducting random stops and searches solely on those available to be searched not likely to produce effective results. | Street population could have a significant effect on disproportionality, especially at the times of day that police conduct stop and search activity.                               | In assessing disproportionality forces should make allowances for the 'street available population' but care needs to be taken not to use this to explain the totality of disproportionality.   |
| <b>M4</b> Age profile of resident population.                               | Forces will, appropriately, target those more likely to commit offences (14–25 year-olds).                                      | Age profile of the resident population will have a significant effect on disproportionality if there are significant numbers from one particular race within a high-offending band. | Forces can locally adjust disproportionality figures in each BCU according to the age profile of the resident population.   |

| Factor   | Potential impact on effectiveness of stop and search  | Potential impact on disproportionality of stop and search   | Appropriate remedial action  |
|--|---|---|--|
| <p><b>M5</b> Wide variance in search/disproportionality/arrest rates in a BCU month by month.</p>              | <p>Wide variance in stop and search activity may be a product of appropriate police operations.</p>   | <p>Wide variance in stop and search disproportionality may be a product of appropriate police operations.</p>                               | <p>Care needs to be taken to ensure that conclusions are not drawn from limited information, although supervisors should be able to explain discrepancies. Figures may need to be aggregated over a number of months to get a true picture.</p>  |
| <p><b>M6</b> Stop and search records not entered on to intelligence systems.</p>                               | <p>Stop and search forms can provide a valuable form of intelligence provided the information is entered on to the system in a timely fashion.</p>  | <p>Better-focused activity will reduce disproportionality.</p>  | <p>Forces need to balance the amount of detail recorded on the form with the timeliness that it can be entered on to a system. A tick-box system may provide only limited information but become a more valuable intelligence tool because of the time it takes to enter the information on the system.</p>                      |
| <p><b>Community</b></p>  |   |   |  |
| <p><b>C1</b> Communities not proactively involved in the process and unaware of local force's performance.</p> | <p>Activity conducted with the support of the local community is significantly more efficient. Lack of local knowledge and a reliance on the national picture can unfairly isolate forces from their local community.</p> | <p>A limited effect on disproportionality.</p>  | <p>Ensure that police authorities fulfil their statutory duties in informing the local community of the police power and monitoring the use of the power by the force. Voluntary-sector organisations can also be used to provide a link with local communities. Proactively report the use of the power in the local media.</p> |
| <p><b>C2</b> Stop and search used as a tool for public reassurance.</p>  | <p>A potential improper and inefficient use of the power.</p>   | <p>Forces need to take great care to ensure that in reassuring the public they are not adopting any unfair prejudices of the community.</p> | <p>Forces should explore alternatives to using stop and search as public reassurance exercise. Where no alternatives exist all sectors of the local community should be made aware that the power is to be used and the reasons for using it.</p>  |

| Factor  | Potential impact on effectiveness of stop and search   | Potential impact on disproportionality of stop and search  | Appropriate remedial action  |
|---|--|--|--|
| <b>C3</b> Good working knowledge of local communities.  | Significant increase in effectiveness in the use of the power with good community intelligence.  | Knowledge of local community issues may increase disproportionality in the use of the power. For example, if intelligence shows inter-community tension the power may be proactively used. | Where the power is used to deal with specific community concerns but leads to an increase in disproportionality, then the community should be informed by the force and the police authority of the reasons for this use of the power. |
| <b>Training</b>   |  |  |  |
| <b>T1</b> Lack of training in the use of the power for practitioners and first-line supervisors.                  | Power used ineffectively, inefficiently and causes needless conflict with the community.   | Lack of training can link directly to stereotyping of certain racial groups thereby significantly increasing disproportionality.   | Training package to be delivered which includes a module on reasonable suspicion.  |
| <b>T2</b> Neither practitioners in forces nor members of the community have confidence in the complaints process. | Current complaints process is perceived as being highly bureaucratic and adversarial. Unmet potential for the complaints system to be used constructively and to improve the effectiveness of the power. | Limited effect on disproportionality but reliance by forces on a lack of complaints evidencing community support for the power should be viewed with extreme caution.                      | Both Independent Police Complaints Commission (IPCC) and police authorities should take a proactive role to increase community confidence and awareness in the complaints procedure.   |

## Annex H: Supervisors' toolkit







Criminal Justice System: working together for the public