



### Stop and Search / Stop and Account

Policy owners	ACCs
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Policy No.	3
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### Approved by

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**Note:** By signing the above you are authorising the policy for publication and are accepting responsibility for the policy on behalf of the Chief Constables.

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## Legal Basis

### *Legislation specific to the subject of this policy document*

<b>Section</b>	<b>Act (title and year)</b>
Section 1	<a href="#">Police and Criminal Evidence Act 1984</a> and <a href="#">Codes of Practice</a>
Section 23	<a href="#">Misuse of Drugs Act 1971</a>
Section 47	<a href="#">Firearms Act 1968</a>

Section 60	<a href="#">Criminal Justice and Public Order Act 1994</a>
Section 47	<a href="#">Terrorism Act 2000</a>
	<a href="#">Psychoactive Substances Act 2016</a>

***Other legislation which you must check this document against (required by law)***

<b><i>Act (title and year)</i></b>
<a href="#">Human Rights Act 1998 (in particular A.14 – Prohibition of discrimination)</a>
<a href="#">Equality Act 2010</a>
<a href="#">Crime and Disorder Act 1998</a>
<a href="#">Health and Safety at Work etc. Act 1974 and associated Regulations</a>
<a href="#">General Data Protection Regulation (GDPR) and Data Protection Act 2018</a>
<a href="#">Freedom Of Information Act 2000</a>
<a href="#">The Civil Contingencies Act 2004</a>

### **Other Related Documents**

- Psychoactive Substances Policy

## 1. Introduction

- 1.1 This policy should be read in conjunction with PACE Code A and the College of Policing Approved Professional Practice (APP) regarding Stop and Search.
- 1.2 The aim of this policy is for officers to improve the quality and effectiveness of interactions with members of the public during stops. Norfolk and Suffolk Constabularies support the appropriate use of stop and search powers by officers to target criminality and terrorism and the need to achieve quality not quantity of stops - the quality of each stop and search/stop and account will influence public confidence in the use of stop and search powers. Community confidence can be increased and there can be a positive contribution to reducing the fear of crime. Powers should be used with the support and trust of all communities and individual members of the public should be treated with dignity and respect. Developments in this area of policing will prevent any negative effect on community relations.
- 1.3 All officers must be aware of the negative impact that is caused by poorly conducted stop and searches/stop and accounts. Any aggression or rudeness will have a negative effect on the person stopped and research shows that a person who has had a negative experience is likely to inform family and friends. It follows that there could be a negative impact on the wider community. Stop and Search is an intrusive power and we must not lose sight of the impact it has on the subject and wider communities, therefore it is paramount that officers are confident in their power to stop and search and conduct themselves in a manner taking cognisance of these facts thereby ensuring that any interaction is seen as a positive one.
- 1.4 APP prohibits discrimination harassment or victimisation based on protected characteristics. It is unlawful for an officer to base the decision to stop and/or search a person solely based on protected characteristics. These are: age; disability; gender re-assignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex or sexual orientation. Any searches should be made on objective grounds based on intelligence or observable behaviour and not because of protected characteristics. Every reasonable effort should be made to ensure the reliability of information and intelligence, thus negating any malicious intent of the source.
- 1.5 Biases can have discriminatory effects, whether that bias is conscious (explicit) or unconscious (implicit).
- 1.6 Conscious bias is a prejudice of which the person who holds it is aware, e.g., an officer who has a negative or positive view of a particular group. If the officer acts on that prejudice by treating that particular group differently to others, whether to the person's advantage or disadvantage, the result is overt discrimination.

- 1.7 Unconscious bias and stereotyping are more difficult to identify and address because people are often unaware of using mental shortcuts to make sense of people and situations that might be new, different or unfamiliar<sup>10</sup>. As these tacit processes are influenced by the person's experiences and background, they will vary between people but may reflect the biases and stereotypes that exist in wider society<sup>11</sup>.
- 1.8 Where a quick decision is required, people jump to conclusions based on prior similar experiences without realising it, instead of carrying out a step-by-step evaluation of the circumstances as they exist. This process affects people's judgements and decisions in all areas of life, with more or less significant impact. It is particularly important to be aware of it in a profession like policing because of its potential impact on individual liberties<sup>12</sup>.
- 1.9 At a practical level, when using stop and search powers, officers should focus on basing their decisions on objective factors and ensuring they can explain why they have made the decision, with reference to specific detail. If they can explain their reasoning clearly to someone else, the decision is less likely to be based on unconscious factors.
- 1.10 In order to improve public understanding of the police and contribute to best practice, forces must be open and accessible. It is important for the public, particularly young people and people from Black and Minority Ethnic communities, to be able to see the police conducting their work in a professional way. Equally, it is also important for the police to understand the communities that they are serving – as this enables more effective policing through police and community cooperation and exemplifies 'policing by consent'.
- 1.11 The Equality Act 2010 places a general duty on specified public authorities including the police service when carrying out their functions to:
- work towards the elimination of unlawful discrimination;
  - promote equality of opportunity between persons of different racial groups; and
  - promote good relations between persons of different racial groups.
- 1.12 This policy provides guidance in relation to searches that require reasonable suspicion. These searches can be completed under the following legislation:
- Section 1 Police and Criminal Evidence Act 1984
  - Section 23 Misuse of Drugs Act 1971
  - Section 47 Firearms Act 1968
  - Section 36 Psychoactive Substances Act 2016

1.13 Guidance is also provided in relation to searches that do not require reasonable suspicion to decide who to stop and search:

- Section 60 Criminal Justice and Public Order Act 1994
- Section 47 of the Terrorism Act 2000.

1.14 This policy sets out guidance for the management and use of these powers at a strategic and tactical level. It also promotes policing that develops and produces intelligence to target critical crime and to achieve positive outcomes. The policy document acts as a point of reference for frontline personnel and combines the requirements of the law, agreed procedures and includes best practice.

1.15 Positive leadership and commitment is required from chief officers together with determination from managers, supervisors and officers conducting stop and searches/stop and accounts to ensure that their responsibilities for the effective and fair use of this tactic are maintained. The use of these powers requires discretion, judgement and sensitivity and Norfolk and Suffolk Constabularies will support officers who use these powers in appropriate circumstances. Research has shown that people stopped are more likely to be satisfied if they are treated with respect, dealt with politely and given a clear reason and explanation for the search.

## **2. Best Use of Stop and Search Scheme (BUSS)**

2.1 The purpose of stop and search is to allow officers to test required “reasonable suspicion” in relation to a person without using a power of arrest. An officer must have reasonable grounds to suspect that articles unlawfully obtained or possessed are being carried before exercising their power under stop search.

2.2 The principle aims of the Best Use of Stop and Search Scheme (BUSS) are to achieve greater transparency, community involvement in the use of stop search powers and to support a more intelligence led approach leading to better outcomes, for example, an increase in the stop and search to positive outcome ratio. The features of BUSS are:

- Data recording –recording a broader range of stop and search outcomes and show the link, or lack of one, between the object of the search and its outcome.
- Lay observations - providing the opportunity for members of the community to carry out Lay Observations by accompanying police officers on patrol with a view to observing ‘live’ stop searches that occur naturally.
- Stop Search complaints ‘community trigger’ - Any complaint made relating to Stop Search will be referred to the Independent Stop Search Scrutiny Panel (ISSSP). The panel, made up of members of the community will provide

scrutiny on stop search policies and practises and act as a 'critical friend' to help improve our service.

- Reducing S.60 'no suspicion' stop searches – authorisation will now be given at Chief Officer level to ensure that the S.60 stop search power is only used where it is deemed absolutely necessary.

2.3 By adopting the scheme, Norfolk and Suffolk Constabularies will use stop search strategically, which in turn with a view to improving public confidence and trust.

### 3. Conduct and Supervision

3.1 There are four stages of an encounter within this area of policing:

1. conversational encounter
2. stop and account
3. stop and search
4. arrest

3.2 An officer can join at any stage or can move from point one to point four. Only at stages three and four is there a power to detain a person. If the object of the encounter is achieved at any one of these stages then it is inappropriate and unlawful to progress. All encounters, other than at stage one, require the officer to justify them taking place.

3.3 The key emphasis of this policy is to promote quality not quantity in the conduct of the encounter. Assertive use of powers with courtesy, empathy and sensitivity is encouraged.

### 4. Stop and Search

#### Reasonable Suspicion

4.1 There are several statutes that allow a police officer to search a person without first making an arrest. Each officer retains the discretion to determine whether or not to conduct a stop and search. A decision to stop and search must be based on 'reasonable suspicion'. The European Courts have defined this as – 'Reasonable suspicion supposes the existence of facts or information which would satisfy an objective observer that the person concerned may have committed an offence'.

#### Detention

4.2 A person can be detained for the purpose of a search and reasonable force can be used if required. The detention must take place at or near the place where the person was first stopped; the time of detention should be kept to a minimum

and they should be informed of the grounds for the search. If a more thorough search is required, for example, removal of items of clothing this must take place out of public view. While a search which involves removal of more than jacket, outer coat, or gloves may be conducted within a police vehicle out of public view, a strip search involving exposure of intimate body parts must never be done in a police vehicle.

- 4.3 A strip search involving exposure of more intimate body parts must only be conducted within a nearby police station or other suitable location out of public view. Other suitable location might include a Police Investigation Centre, or a secure office within a building.
- 4.4 As soon as the grounds for search cease to exist, the person must be released.
- 4.5 It is essential that officers apply the human rights legislation to ensure police action is lawful and all encounters respect the rights of the individual. The following checklist should be applied to decision making in this area of policing:

<b>P</b>	Actions must be <b>proportionate</b> to the purpose. Actions must be fair and achieve a balance between the needs of society and the rights of the individual.
<b>L</b>	There must be a <b>legal</b> power or purpose. Actions must be supported by legislation or stated cases. Officers must know basic powers in relation to this area of policing.
<b>A</b>	Officers are <b>accountable</b> and actions will be open to scrutiny and should be fully recorded including the options considered. Influencing and non-influencing factors should be included.
<b>N</b>	Action taken must be <b>necessary</b> in the circumstances. Any infringement of rights must be justified.
<b>B</b>	Use of <b>best information</b> available. All decisions must be based on the best information available at the time. Officers should consider the reliability of the information they receive.

- 4.6 Officers must take reasonable steps to provide certain information to a person before starting the search. GOWISELY is the minimum amount of information that must be given to the person stopped. The following checklist explains in more detail the information to be given.

	<b>INFORMATION TO BE GIVEN</b>
<b>G</b>	<b>GROUND FOR THE SEARCH –</b> The reasonable grounds for suspicion or other authority where no suspicion is required.
<b>O</b>	<b>OBJECT OF THE SEARCH –</b>

	What is being looked for, for example, stolen goods or drugs.
<b>W</b>	<b>WARRANT CARD –</b> If in plain clothes, officer's warrant card must be shown.
<b>I</b>	<b>IDENTITY –</b> Officers must identify themselves.
<b>S</b>	<b>STATION –</b> Officers must identify the station they are from.
<b>E</b>	<b>ENTITLEMENT –</b> Explain or give a written notice setting out the entitlements of the person to be searched and police powers to stop and search.
<b>L</b>	<b>LEGAL POWER –</b> State the legal power under which the search is being carried out.
<b>Y</b>	<b>YOU ARE DETAINED –</b> Tell the person that s/he is being detained for the purpose of a search.

### Reasonable Grounds

- 4.7 It is the responsibility of each and every individual officer to make the decision over whether reasonable grounds exist.
- 4.8 Reasonable grounds for suspicion are the legal test which a police officer must satisfy before they can stop and detain people or vehicles to carry out a search.
- 4.9 There is no such thing as a voluntary search. A search must NOT be carried out unless there is a legal right to do so.
- 4.10 Reasonable grounds for a search are the same threshold as would be for an arrest and the officer must have formed a genuine suspicion in their own mind that they will find the object for which the search powers being exercised allows them to search for. There must be an objective basis based on facts, information and/or intelligence that the object will be found. This means that a reasonable person would be entitled to reach the same conclusion based on the facts available to the searching officer.
- 4.11 A stop search must not solely be based on:
- A persons physical appearance (for example any of the protected characteristics set out in the Equality Act 2010)
  - Previous convictions

- Generalisations (that the person belongs to a group believed to be prone to offending or committing particular types offence)
- Stereotypical images (that a person's appearance is believed to mark them out as prone to offending or to committing a particular type of offence)

4.12 When forming reasonable grounds an officer can use the following mental checklist:

- What do I know?
- What was I told?
- What did I see
- What was said between me and the subject?

#### Stopping on the Smell of Cannabis Only

4.13 National statistics indicate that approximately 80% of searches conducted based on smell of cannabis alone are unsuccessful. There is no objective basis for a search based on smell of cannabis alone. Norfolk and Suffolk Chief Officer Teams have agreed that it will no longer be acceptable to carry out a stop search on the smell of cannabis alone and other aggravating factors must be taken into account. Whilst not an exhaustive list this could include:

- Recent intelligence that subject involved in drug offences
- Witnesses who have seen drugs present at the time cannabis was smelt
- Other visual indicators of drug use
- Appropriate safeguarding measures for vulnerable persons
- Public confidence need.

## **5. Searching According to Gender**

5.1 Police officers may search persons of a different gender to themselves, unless the search involves removal of more than Jacket, Outer Coat, gloves, head gear or footwear, in which case the search should be conducted by a person of the same gender.

5.2 A strip search will usually be conducted by two Police Officers of the same gender and at an appropriate location (see 4.3 above), unless PACE code C annex A paragraph 11 applies (cases of urgency and use of an appropriate adult).

5.3 Searches involving transgender or transsexual people. When establishing whether the person concerned should be treated as being male or female for the purposes of these searches and procedures, officers should refer to PACE Code C, annex L.

## 6. Young People (U18)

- 6.1 Certain groups in society, such as young people may be more vulnerable and have greater concerns in relation to stop and search when approached by an officer. Young people stopped and searched may have concerns about their parents, carers or guardians reactions to finding out about the encounter. Officers must clearly communicate the grounds for the search using simple and easy to understand language and check that the young person has understood the information given.
- 6.2 Officers must be tolerant and aware of these issues when seeking co-operation. When dealing with young people officers should endeavour to use the SMARTT approach. This is a two way approach that has been developed:

	MEANING
<b>S</b>	Smile
<b>M</b>	Manners
<b>A</b>	Attitude
<b>R</b>	Respect
<b>T</b>	Tolerance
<b>T</b>	Talk

### Searching under 18s

- 6.3 Whilst not every person under the age of 18 who is the subject of a stop search will be deemed as vulnerable, officers should take into account the age of the child and the circumstances of the encounter. If there is a need for a child to be strip searched, then an appropriate adult must be contacted. A supervisor (Sergeant or above) should also be consulted (where operationally practicable to do so) prior to the search of all under 18s. The exception to this requirement is in cases of urgency, where there is a risk of harm to the detainees or to others. When dealing with under 18s officers should always consider:

- Safeguarding measures
- Notifying a parent or guardian
- Submitting an Athena Child Protection Investigation including a PVP form.

### Searching under 10s

- 6.4 There is an expectation that a child under the age of 10 will only be stopped and searched under **exceptional** circumstances, i.e. when there are significant concerns that not to do so would lead to a rise in threat or harm presented to the child or another. If there is a need for a child to be strip searched then an appropriate adult must be contacted. A supervisor (Sergeant or above) should

also be consulted (where operationally practicable to do so) prior to the search of all under 18s. The exception to this requirement is in cases of urgency, where there is a risk of harm to the detainees or to others. When a stop search does occur officers should:

- Consider safeguarding measures
- Notify a parent or guardian at the earliest opportunity
- Submit an Athena MASH referral for assessment.

## 7. Vulnerable People

7.1 Officers should be sensitive when dealing with individuals whose understanding and appreciation of Police Powers under stop search/account may be adversely affected by factors such as language, disability, mental health or culture. A supervisor (Sergeant or above) should also be consulted (where operationally practicable to do so) prior to the search of vulnerable people. Officers are required to make reasonable effort to overcome such barriers via use of:

- Language Line.
- Mental Health Nurses within the CCR.
- Vulnerable Communities SPOCS.
- Third party intermediaries such as care workers.

## 8. Recording

### Form C3

8.1 When the decision to stop and search has been made, a stop search record will be completed in all circumstances, unless there are exceptional circumstances which make this impractical, for example, situations involving public disorder or when the officer's presence is urgently required elsewhere. Guidance on completion of the stop search record is currently included at the rear of each C3 booklet pad, however the intention is for the Constabularies to make best use of technology in due course and have applications on smartphones and tablets to replace paper forms.

8.2 Form C3 (or future replacement digital forms on mobile devices) should be completed as fully and accurately as possible in the presence of the person. The record must be made at the time unless the exceptional circumstances described above apply. The person should be offered the 'INFORMATION FOR PERSONS STOPPED SEARCHED' and 'KNOW YOUR RIGHTS' notice contained within the C3 pad or a receipt number with advisory notice envisaged with digital replacements of the form. A copy of the record made at the time or

receipt must be given to the person who has been searched. If a record is not made at the time, the officer must do so as soon as practicable afterwards.

- 8.3 If a search exposing intimate parts of the body is conducted (see section 11 below) the officer should include the reasons for extending the search as part of the search record, as well as confirming that supervisory consultation took place, with whom and when. If they were unable to contact a supervisor, they should still record their reasons for extending the search, as well as the steps taken to contact a supervisor.

## **9. Publication of Stop and Search**

- 9.1 A detailed section on Stop Search is available within the crime map section on [www.police.uk](http://www.police.uk).
- 9.2 On this site you can see the detailed locations of individual stop searches on your area, plus the outcome, reason and type of each search. You can view the overall stop search statistics and charts for the Constabularies and download official statistical data for the whole of England and Wales. This site is available to the general public.

## **10. Permission to Search**

- 10.1 A search may only be carried out when there is an applicable legal power. Voluntary searches must not be carried out even if the person is prepared to consent to a search. The purpose of stop and search is to allow officers to test required reasonable suspicion in relation to a person without using a power of arrest. An officer must have reasonable grounds to suspect that articles unlawfully obtained or possessed are being carried.
- 10.2 Exceptions to this are when officers are authorised under Section 47 Terrorism Act 2000 or Section 60 Criminal Justice and Public Order Act 1994.

## **11. Detention and more thorough searches including strip search exposing intimate body parts**

- 11.1 Should the search involve exposing intimate parts of the body (EIP search), it must take place at a PIC/police station or other suitable location. In either case, the location must be within reasonable travelling distance, either on foot or in a vehicle. It must also be out of public view and must not be in a police vehicle. 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.
- 11.2 Officers identifying a need for an EIP search must consult a supervisor prior to carrying out the search, to explore the reasons why it is necessary and proportionate in the circumstances (APP guidance). The supervisor's role in

this context is to support and encourage good decision making by providing suitable challenge.

- 11.3 If an officer cannot contact a supervisor within a reasonable timeframe, the officer must balance the need to have the ethical discussion with a supervisor against the need to conduct the EIP search within a reasonable timeframe, i.e., one that does not antagonise the person being searched or delay the search for an unreasonable time.
- 11.4 Taking a person to a PIC/police station for the purpose of a search does not constitute a detention in custody and does not require a custody record to be completed. However, full details of the search, including those present, must be included on the record and in a pocketbook.
- 11.5 For further information regarding suitability, and reasonable travelling time to, the location for a strip search, officers should refer to PACE Code A and the College of Policing APP concerning Stop and Search.

## 12. Stop and Account

- 12.1 A stop and account takes place when a police officer stops a member of the public in a public place and asks them to account for themselves but does not search them. Under PACE there is no legal power to detain a person for stop and account.
- 12.2 The officer can ask the person to account for actions, behaviour or presence in an area or possession of an item. The following examples would not constitute a stop and account;
- general conversations such as when giving directions to a particular location or when seeking witnesses
  - occasions when an officer is seeking general information or questioning people to establish background to incidents which have required officers to intervene to maintain public order or resolve a dispute
  - if the encounter is recorded elsewhere, for example: HORT/1, Vehicle Defect Rectification Scheme or Fixed Penalty Notice

## 13. Airwave recording for Stop and Account

- 13.1 The minimum information for a stop and account that must be recorded is as follows: Date, time, location, ethnicity and officer.
- 13.2 Norfolk and Suffolk Constabularies obtain all required data via use of the Airwave Stop Account procedure ([Flowchart 2](#)).

13.3 Any additional information recorded, such as intelligence or name and address, is at the discretion of the officer and should be recorded in their Pocket Note Book.

#### 14. Intelligence Report

14.1 Where information collected contains useful intelligence an Intelligence Report must be submitted via Athena.

14.2 It is the officer's responsibility to consider submitting an Intelligence Report on Athena if any useful intelligence has been collected during the encounter.

#### 15. Information to be given

15.1 Officers must take reasonable steps to provide certain information to a person before starting a stop and account procedure. WISER is the minimum amount of information that must be given to the person. The following checklist explains in more detail the information to be given.

	MEANING
<b>W</b>	<b>WARRANT CARD</b> If in plain clothes the warrant card must be shown.
<b>I</b>	<b>IDENTITY</b> Officers must identify themselves.
<b>S</b>	<b>STATION</b> Officers must identify the station they are from.
<b>E</b>	<b>ENTITLEMENT</b> Explain the entitlement to a copy of the record.
<b>R</b>	<b>REASON</b> Provide the reason for the encounter. This must be a credible reason based on what has been seen, heard or been told.

#### 16. Vehicle Searches

16.1 Each officer retains the discretion to determine whether or not to conduct a search of a vehicle, attended or not. A decision to stop and search must be based on 'reasonable suspicion'. The European Courts have defined this as – 'Reasonable suspicion supposes the existence of facts or information which would satisfy an objective observer that the person concerned may have committed an offence'. Additionally, the principles of the Human Rights Act must be followed. The checklist documented within Stop and Search should also be used in relation to vehicles.

16.2 Form C3 must be used for searches of people or attended vehicles. Form C4 must be used for PACE Act searches of unattended vehicles.

## 17. Searches Made Under Authority

17.1 Most stop and search powers require the existence of 'reasonable suspicion' in order to make them lawful. However, there are other powers to conduct a stop and search based on authority of a designated officer alone. These powers are contained within Section 60 Criminal Justice and Public Order Act 1994 and Section 47 of the Terrorism Act 2000.

17.2 As the above powers do not require reasonable suspicion before they can be used to detain people, it is essential that they are used responsibly by those who use them in order to avoid a breach of Article 5(1) (c), European Convention on Human Rights (Right to Liberty and Security). As these powers do not require reasonable suspicion before they can be used to detain people, it is essential that they are used responsibly by those who use them. Officers should be aware that they may be required to justify the authorisation or use of these powers in any future proceedings.

## 18. Audit Trail

18.1 Where these powers are authorised, there should be an accurate and concisely documented audit trail that shows the decision making process to authorise their use and evidence that the principles of proportionality, legality, accountability and necessity, as required by the Human Rights Act 1998, have been considered. The following sections of the Human Rights Act apply:

- Section 60 - Authority to search under Section 60 of the Criminal Justice and Public Order Act 1994 is based upon a reasonable belief that incidents involving serious violence will take place or that people are carrying dangerous instruments or offensive weapons within any locality in the police area. [Section 60 Form](#).
- Section 47 - Authorisation under section 47A concerns the authorisation and use of powers to stop and search in specified areas or places and specified times contained in section 47A and Schedule 6B to the Terrorism Act 2000, as brought into effect by the Terrorism Act 2000 (Remedial) Order 2011 (S.I. 2011/631) and of police constables to search a person or vehicle under those provisions entirely replace those previously found in sections 44-47 of the 2000 Act. Section 47A powers should only be authorised where other powers or measures are insufficient to deal with the threat and, even where authorised, officers should still consider whether section 47A powers are the most appropriate to use.

The powers to stop and search under section 47A represent a significant divergence from the usual requirement to have reasonable suspicion when exercising stop and search powers. The powers are therefore only exercisable in an area where and during a period when an authorisation

has been given by a senior officer. The test for authorising section 47A powers is that the person giving it: *must reasonably suspect that an act of terrorism will take place and considers that the powers are necessary to prevent such an act and that the area(s) or place(s) specified in the authorisation are no greater than is necessary and the duration of the authorisation is no longer than is necessary to prevent such an act.*

An authorisation under section 47A may only be made by an officer of NPCC or ACPOS rank (i.e. at least the rank of Assistant Chief Constable or, in the case of the Metropolitan and City of London Police, a Commander). Authorising officers must be either substantive or on temporary promotion to the qualifying rank. Officers who are acting in the rank may not give authorisations.

## 19. Recording of Stop and Searches

19.1 It is a statutory requirement that officers record accurate details of all stop and searches/stop and accounts. Failure to do this result in lost opportunities to gain intelligence and also adversely affects the accuracy of data produced. Section 95 of the Criminal Justice Act 1991 requires the Secretary of State to publish information to enable those involved in the Criminal Justice System to ensure that discrimination on the grounds of race, sex or any other improper grounds is avoided.

19.2 A failure to accurately record activity in this area of policing will provide a false picture of how effectively these powers are used. The Police Service, other agencies and members of the public draw conclusions from stop and search statistics. If these are flawed by significant omissions then the data is likely to provide an imbalanced overview.

19.3 Recording allows for an opportunity to develop good quality community intelligence whilst ensuring that the officer is accountable for his or her actions. Quality not quantity is the purpose of a stop search encounter so that if an officer asks a person to account for their presence or behaviour, there must be a reason for them to do so. To ensure that maximum benefit is gained in terms of intelligence being gained it is essential that details of Stop and Searches are entered onto a database as soon as possible. For all Stop and Account interventions, a separate intelligence report should be completed when the encounter warrants an intelligence submission.

## 20. Supervision

20.1 Supervision is required at all levels of the police service. Senior management must ensure there is a structure in place to ensure that use of stop search is ethical, intelligence based and in accordance with Best Use of Stop Search (BUSS) procedures. Using the quantity of stop searches completed by an officer as a performance indicator is not appropriate. The quality of the

encounter and the link to current intelligence and briefings should be the focus of policing activity in this area.

20.2 Every stop search form should be the subject of careful scrutiny by a first line manager ensuring that it is lawful, ethical, non-discriminatory and the grounds are reasonable and explained.

20.3 Supervisors must endorse each stop search form indicating compliance with the above (20.2).

20.4 Where an officer is identified as having not fulfilled their training requirement, continuous professional development or otherwise fails to demonstrate competence, the following options will be explored:

- Buddying Scheme
- Action Plan
- Fast-tracked refresher training
- UPP

## 21. Chief Officers

21.1 The Chief Constables have overall responsibility for the appropriate use of stop and search powers. Because of the important and sensitive nature of this area of policing, the Assistant Chief Constable will take a strategic lead. To achieve this the Assistant Chief Constable will ensure that:

- This policy is embraced by all officers.
- The Constabularies meet their statutory requirements for the submission of stop and search/stop and account data to the Home Office.
- There is a training provision to meet the needs of all staff.
- Management information systems are in place which inform the Executive of any trends – particularly in relation to disproportionality – for investigation by the appropriate person / unit.
- Stop and search data is quality assured at force-wide level and locality level as an integral part of the internal inspection process and externally through the Office of the Police and Crime Commissioners, Independent Advisory Groups, Independent Stop Search Scrutiny Panels and through public consultation.
- Policing activity in this area is driven by the National Intelligence Model.

## 22. Training and Continual Professional Development

- 22.1 Training will be delivered in accordance with the guidelines provided by the College of Policing. Norfolk and Suffolk Constabularies recognise the importance of stop search and the impact of its use on communities. Norfolk and Suffolk Constabularies are committed to ensuring the most appropriate staff and subject matter experts are engaged to deliver training.
- 22.2 Ongoing refresher training will be incorporated into officer's Continuous Professional Development.

## 23. Scrutiny

- 23.1 The use of Stop and Search and Stop and Account powers will be scrutinised both internally and externally. This includes consultation on the Policy document.
- 23.2 Norfolk and Suffolk Constabularies currently have processes in place for external scrutiny of police use of stop search, conducted by independent public groups, representative of local communities.
- 23.3 In addition, an annual internal audit is conducted in Suffolk, chaired by an NPCC member (currently the ACC) together with the Suffolk Superintendent lead for stop search and an LPC Inspector representative. Norfolk has a six monthly internal audit (currently DCC) that reviews stop search forms scrutinised by their ISSSP.
- 23.4 Furthermore, the Lay Observation Scheme will include a feedback process for participants.
- 23.5 Organisational Learning will be obtained via the following:
- Lay Observation Scheme
  - Internal and External Scrutiny
  - Stop Search Database
  - S60 Authorisations
  - Public Complaints and Dissatisfaction reporting mechanisms
  - Stop and Account Airwave Data and Supervisor feedback
  - Within Force Publications, such as Learning the Lessons
  - Stop Search training
  - Force analytical products.

23.6 Further scrutiny will be provided by production of a quarterly Stop Search report broken down by District/BCU level, allowing District/BCU Commanders to scrutinise themes and trends within their command.

23.7 A bi-annual Joint Performance and Analysis Department (JPAD) report will be produced for the Office of the Police and Crime Commissioner (OPCC), and will be publicly accessible on-line via the Norfolk and Suffolk OPCC websites.

## **24. Command Teams**

24.1 The County and Local Policing Commands (LPC) should be able to demonstrate that all officers who have used stop and search powers have done so effectively and in a non-discriminatory way. Managers should make it clear to officers that quality not quantity is paramount.

24.2 Each Local Policing Command should ensure that there is intrusive supervision to maintain a quality approach. Additionally, there must be monitoring to ensure that any disproportionality issues do not develop into unjustifiable patterns.

24.3 The Strategic Policing Commander (SPC) Superintendent will be responsible at a strategic and tactical level for the promotion and proper use of stop and search powers on each Strategic Policing Command (SPC). Activity should be monitored. Although individual or collective targets will not be set, an officer's effective and professional use of this tactic can be highlighted as a positive indicator within the PDR process, whereas poor or inappropriate use may be managed via a recognised development need, UPP or misconduct procedures.

24.4 When local strategies and plans are developed that include the use of stop and search powers, it is vital that community involvement is sought to minimise any possible negative impact in this area. Community Impact Assessments should be completed where appropriate. This process can include involving the community in reviewing the use of Stop and Search and Stop and Account powers.

24.5 Where planned operations are likely to result in a high volume of stop and searches/stop and accounts, community representatives should be informed in advance, subject to operational commitments. An open approach at the outset is likely to pre-empt any increase in community tension and will also allow an opportunity for representatives to be apprised of what police are aiming to achieve.

## **25. Operational Chief Inspector**

25.1 Will ensure:

- The SPC, Local Policing Command and Safer Neighbourhood Teams (SNT's), use of this tactic will be managed in accordance with this policy and robust leadership is maintained.

C/Inspectors should understand how to exercise stop and search tactics with minimum detriment to community trust and confidence.

- The appropriate use of stop and search is promoted across each LPC and Safer Neighbourhood Teams. All officers need to understand the value of the tactic and to be able to communicate this.
- The appropriate use of stop and search powers is promoted externally and that its community impact is assessed.
- Positive support is provided for officers who act proportionately and legally even if they receive a complaint. It is important that officers feel that they have the support of managers and team members.
- Clear support is given to supervisors who challenge inappropriate behaviour. Officers must know that any serious breach of conduct brings discredit on the police service and will attract discipline action.
- Systems are in place, which provide officers with the best intelligence available to inform individual decisions.
- Officers should have a thorough knowledge of the powers that do not require reasonable grounds (for example: Section 60 Criminal Justice and Public Order Act), and should give due regard as to how to exercise such powers with minimum detriment to community trust and confidence.

## 26. Operational Inspectors

26.1 All Inspectors have responsibilities to monitor the activity and patterns of stop and searches that occur in their area of responsibility.

26.2 Inspectors will receive regular management information updates that include data on stop and search activity completed by their officers. This information will provide an overview of activity and will allow Inspectors to commend effective and fair use of powers and investigate further if there are indications of inappropriate use of powers.

26.3 At shift briefings Inspectors should re-enforce the quality not quantity approach and emphasise accurate recording which improves transparency.

## 27. First Line Supervisors (Sergeants)

27.1 First Line Supervisors are in a key position to ensure that stop and searches/stop and accounts are proportionate and legal. Additionally they must ensure that stop searches are based on the best and focused intelligence available and are completed in such a way as to increase public confidence. Supervisors must examine whether the forms reveal any trends or patterns

which give cause for concern and, if so, take appropriate action with individual officers. This may include guidance, identified training needs or provisions for mentoring.

- 27.2 Supervisors will act as role models and set standards for their officers. There will be intelligence led briefings and officers will be actively supervised and encouraged to use these powers.
- 27.3 To ensure quality of completion, a supervisor must check the completed form to ensure that all details provided at the time of the encounter have been accurately recorded. Any errors or concerns must be noted on the form and feedback must be given to the officer. Supervisors must also ensure that the grounds and the object given by the officer are justified and correctly recorded.
- 27.4 Supervisors will ensure that officers submit forms in good time before the end of a shift so that there is sufficient time to quality check and submit the form on the same shift.
- 27.5 Where a stop search record has not been completed appropriately and the supervisor is not present to resolve the issue at the scene, the supervisor should add their supervisory comments to the submitted record and take necessary follow up action to resolve the issue.
- 27.6 At shift briefings and at relevant operational incidents supervisors will re-enforce that quality not quantity is required from officers. Always identify, praise and promote good practice.

## **28. Operational Officers Completing Stop and Searches**

- Leave a positive image of the police service. The whole encounter should be completed with politeness and the person treated with dignity and respect.
- When the form is completed as a result of response to spontaneous information or a call from a member of the public ensure that this information is recorded on the form.
- When the form is completed as a result of a reaction to circumstances encountered during the normal course of patrol ensure that this information is shown on the form.
- Officers must submit completed forms to their supervisors before the end of their tours of duty. Officers must ensure that they have sound practical and legal knowledge of their powers and use them effectively and fairly. It is vital that before any search the person has clearly understood the officer's explanation and reasons for using the power.
- Recognise that, not everyone who has been stopped has to be searched. While at the outset an officer may legitimately and lawfully have the grounds to conduct a search, this should not prevent ongoing communication with the member of public. At any point during an interaction, the grounds for search

might cease. In these cases no search should take place, and communication skills used to draw the interaction to an end whilst maintaining mutual respect. Such an approach builds trust and confidence in our communities.

- Understanding that a lack of an arrest does not indicate that the encounter was unlawful, inappropriate or of no value. Both positive and negative stop searches can provide valuable intelligence and an effective and fair encounter can also be a disruption tactic.
- Officers must ensure that they know their geographic area, its crime and active criminals together with the latest intelligence.
- Provide a copy of form C3 to the person together with the 'INFORMATION FOR PERSONS STOPPED SEARCHED' and 'KNOW YOUR RIGHTS' notice contained within the C3 pad or where this is superseded by a digital replacement, the appropriate receipt and advisory information. The record must be made at the time unless the exceptional circumstances described previously apply.

## 29. Administration

29.1 Currently data Inputters within the Data Input Team are responsible for entering C3 and C4 data onto the Stop and Search database on a daily basis. It is envisaged that with digital replacement of the C3 and C4 forms, this information will be uploaded straight to the database once supervisory sign off is completed.

29.2 If a C3 form is received by the Data Input Team that is not completely accurate and does not contain all the required information; as much detail and information as possible should be entered onto the system and the form returned to the supervisor who has signed the form with a memo highlighting the error(s). By entering data at the earliest opportunity this allows for current intelligence to be recorded and acted upon rather than entering no data until the form is completely accurate.

29.3 The Data Input Team must maintain a database to show what percentage of forms received are completely accurate and what percentage have to be returned for amendment. This will allow for comparison between LPCs to assess quality issues.

## 30. Definitions

### Public Place

30.1 Any place where, at the time of the 'Stop and Search' or 'Stop and Account', the public or any section of the public has access, on payment or otherwise, as of right or by virtue of expressed or implied permission or in any other place to which people have ready access at the time when he/she proposes to exercise the power, but which is not a dwelling.

**The Crime and Security Act 2010 and PACE Code A: Changes to Stop and Account and Stop and Search**

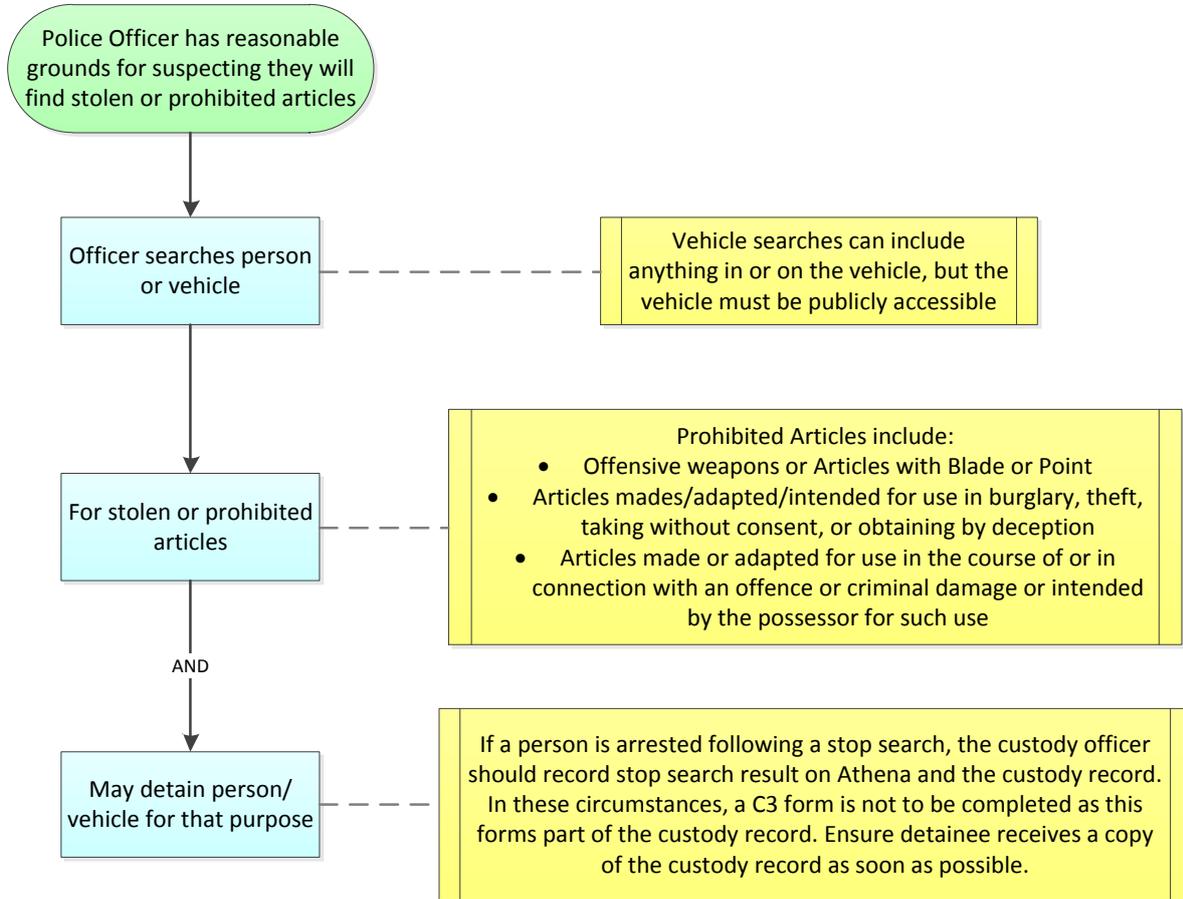
Section 1 Crime and Security Act 2010 amends section 3 of the Police and Criminal Evidence Act 1984 ("PACE") which specifies the information which constables must record when they stop and search a person. The Act creates the following alternative recording routes for **Stop and Search**.

Searches which result in an arrest and being taken into police custody:

"Where a person is arrested as a result of a stop and search and taken to a police station, the constable who carried out the search must ensure that the search record forms part of the person's custody record whilst still completing a separate form. In all other cases the constable must make the record of the search at the time it takes place or as soon as practicable after completion of the search. Hence, on Searches which do not result in an arrest or being taken to a police station officer carrying out the search must make a written record of it, electronically or on paper, unless there are exceptional circumstances which make this wholly impracticable (as previously). This record must be made on the spot unless this is not practical (as previously)."

Whilst, changes have been made to the national requirement for the recording of '**Stop and Account**' encounters and subsequent removal of this requirement from PACE Code A. The Codes of Practice allow for Forces to continue to record and monitor any local 'disproportionality'. As a result Norfolk and Suffolk Constabularies will continue to record Stop and Account encounters using the airwave radio.

### Chart 1: Stop and Search



### Chart 2: Stop and Account

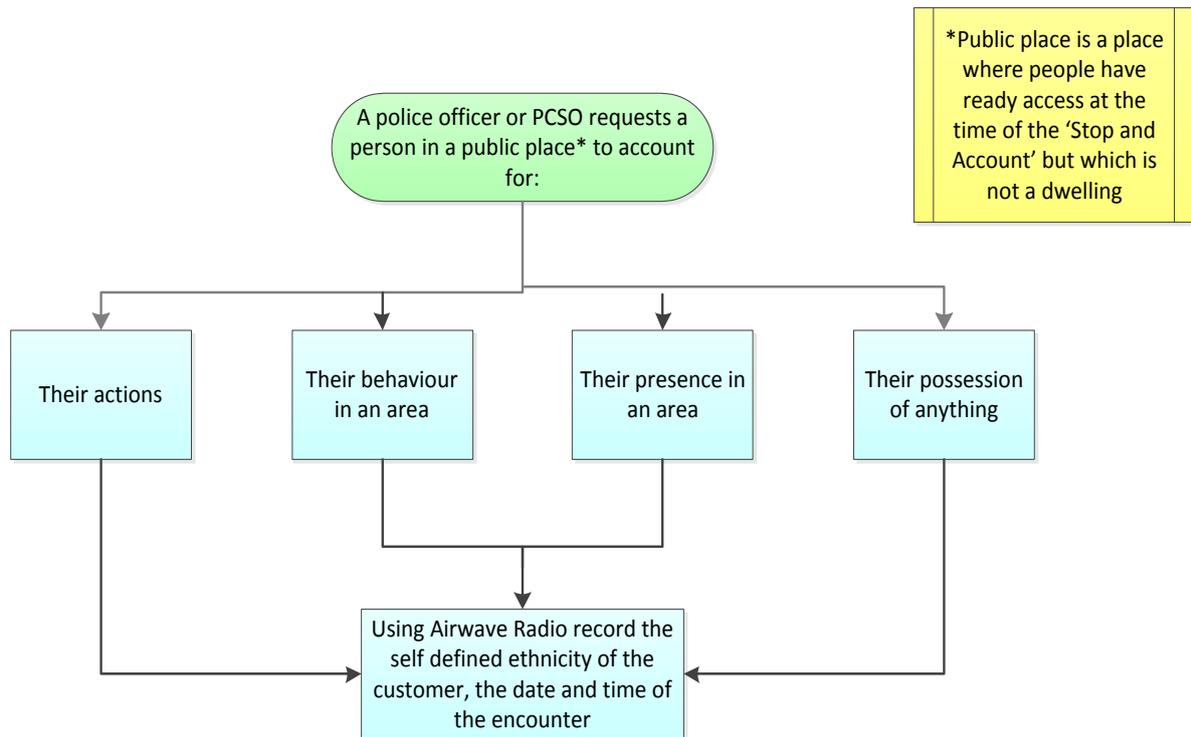


Chart 3: Power to Authorise a Section 60 Stop/Search

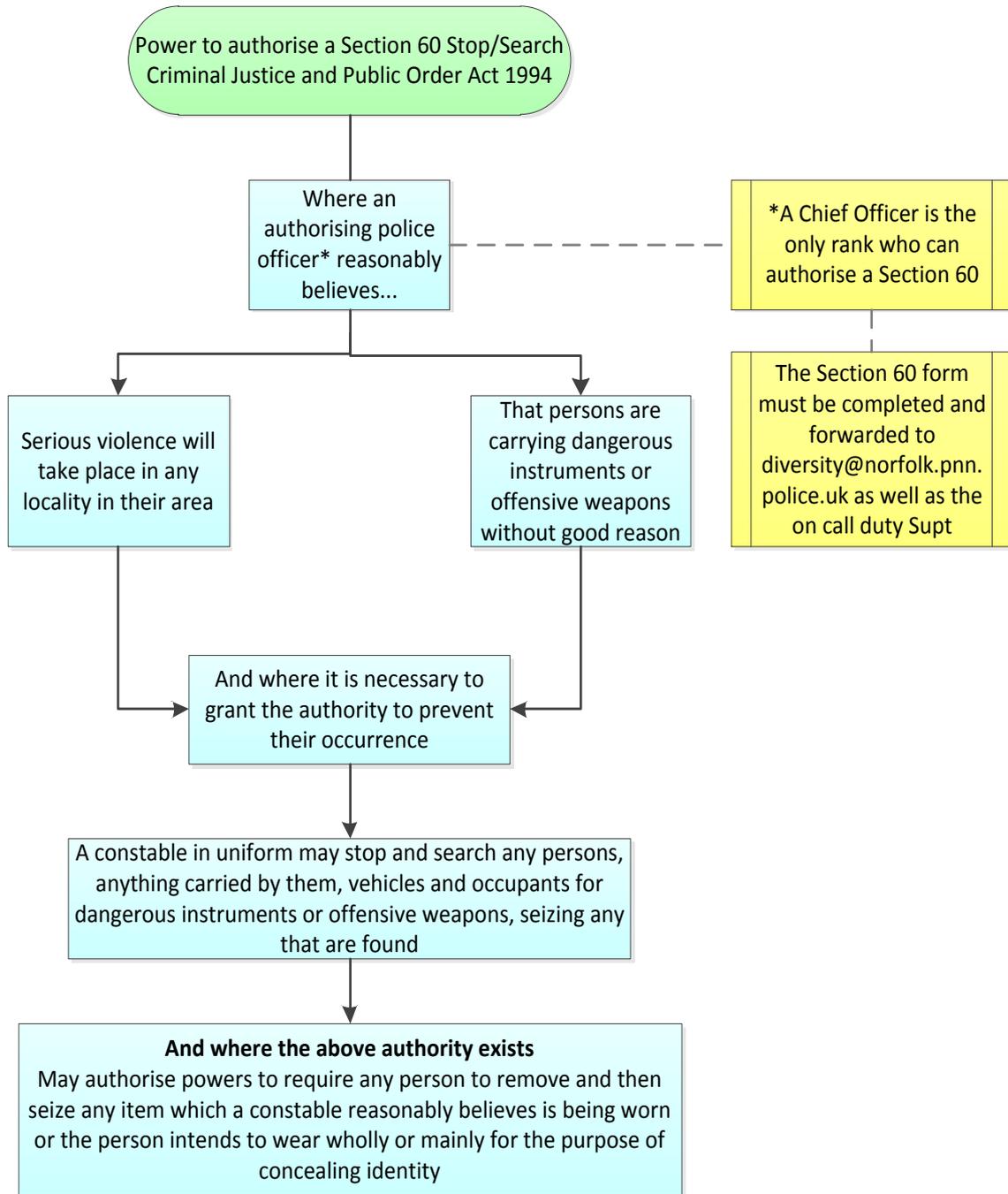
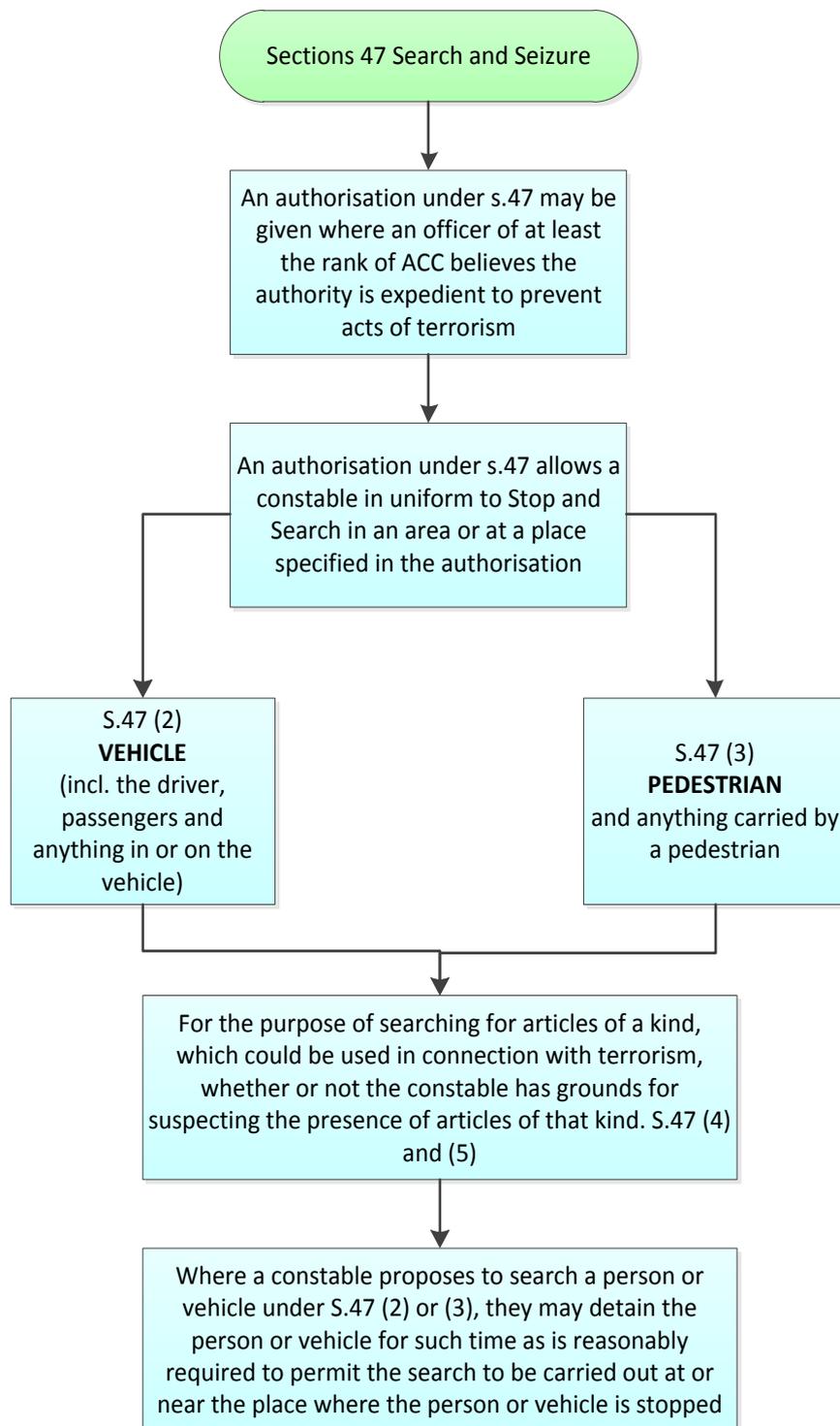


Chart 4: Sections 47 Search and Seizure



### Chart 5: Supervisor Toolkit

