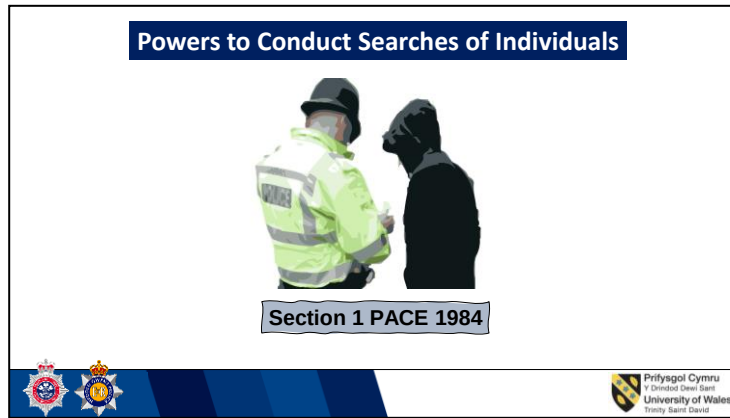




Learners who have successfully completed this lesson will be able to:

1. Describe stop and search as stipulated by Section 1 of PACE 1984 Stop and Search and the individual meaning of the elements within the definition.
2. Outline the importance of employing an ethical, fair and effective use of stop and search in line with the, “Best Use of Stop and Search,” “HMIC Stop & Search Powers: Are the Police using them effectively and fairly?” and the College of Policing guidelines.
3. Identify appropriate circumstances of when to conduct a stop and search.
4. Explain the information that must be provided prior to a stop and search taking place.
5. Describe the limitations of a search when conducting one in both a public and private place.
6. Identify what constitutes, “reasonable grounds” and other options available if reasonable grounds do not exist.
7. Identify how conscious/unconscious bias can impact on a stop and search.
8. Explain how to deal with a young person during a search and identify any vulnerabilities.
9. Outline the procedure to be carried out post search including the recording of information.
10. Outline other search powers as stipulated by S60/60AA of the Criminal Justice and Public Order Act 1994, S47A of the Terrorism Act 2000 and Serious Violence Reduction Orders (SRVOs)
11. Practice a stop and search in the classroom on a colleague



QTS – why do Police Officers use stop and search powers?

The primary purpose of the powers to search a person before they have been arrested is to enable officers to allay or confirm suspicions about individuals without exercising their power of arrest.

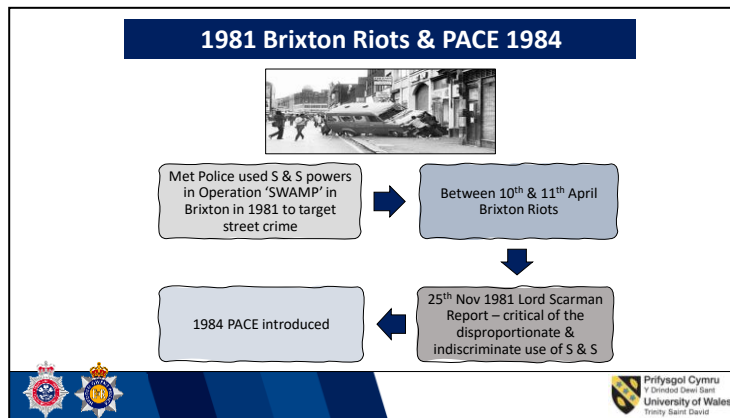
Code A of the PACE Codes of Practice governs the exercise by officers of statutory powers to stop and search a person or vehicle without first making an arrest.

The Police and Criminal Evidence Act 1984 and the PACE codes of practice provide the core framework of police powers and safeguards around stop and search, arrest, detention, investigation, identification and interviewing detainees.

College of Policing state:

A stop and search is most likely to be fair and effective when:

- The search was a justified and lawful use of the power that stands up to public scrutiny
- The officer genuinely believes the person has an item in their possession
- The member of the public understands why they have been search and feels that they have been treated with respect
- The search was necessary and was the least intrusive method a police officer could use to establish whether a member of the public has a prohibited article or an item for use in crime with then and more often than not the item is found.



QTS – what events influences stop and search powers?

Influences on Stop & Search and the background to PACE

Pre-PACE:

Frequently under what was known as '**sus laws**' (the power to act on "sus" was found in part of section 4 of the Vagrancy Act 1824 – a number of sections now repealed (see act)), officers would search people because they felt a need to do so, whether or not they had sufficient grounds and regardless of any effects on community cohesion. They didn't have to explain their reasons or document their actions and as such, this led to ill-feeling by communities who felt they were being discriminated against, usually on the basis of the colour of their skin.

Brixton Riots

The 1981 Brixton riot or Brixton Rising was a confrontation between the [Metropolitan Police](#) and protesters in [Lambeth](#), [South London](#), England, between 10 and 12 April 1981.

The rioting shocked the nation.

For three days, rioters - predominately young, black men - fought police, attacked buildings and set fire to vehicles.

More than 300 people were injured and the damage caused came to an estimated value of £7.5m.

What was most shocking to many people was the unexpectedness of events. On the surface it seemed that black people were well-integrated into the fabric of UK society. Many were second generation, born to parents who had come to Britain from the Caribbean in the late 1940s and 1950s to help "the motherland" with post-war rebuilding.

Scarman Report

The Home Secretary, [William Whitelaw](#), commissioned a public inquiry into the riot headed by [Lord Scarman](#). The [Scarman report](#) was published on 25 November 1981.

Scarman found unquestionable evidence of the disproportionate and indiscriminate use of 'stop and search' powers by the police against black people.

As a consequence, a new code for police behaviour was put forward in the [Police and Criminal Evidence Act 1984](#);

The act also created an independent [Police Complaints Authority](#), established in 1985, to attempt to restore public confidence in the police.

Scarman concluded that "complex political, social and economic factors disposition towards violent protest"

Brixton Riots previously covered in 'Understanding the Role of a Constable Lesson'

Handout has already been provided to students



Rec 60 : S & S powers should remain

Rec 61: a record must be made of all S & S and a copy must be given to the person stopped

Rec 62: search records should be monitored & the information should be analysed & published

Rec 63: the police Authorities have a duty to raise public awareness on S & S




Before PACE, stop and search was not regulated and the misuse by police of searches was largely blamed for the race riots in the early 1980s.

In 1999, following the murder of Stephen Lawrence, an enquiry was held, led by Lord MacPherson (Retired High Court Judge). He examined the institution of the Metropolitan Police Service and individual behaviours surrounding the incident.

Stephen Lawrence's death and the subsequent findings against the Metropolitan Police showed that there was still considerable work to do. Search forms were scrutinised and it was alleged that someone who is black was 4 times more likely to be stopped and searched than someone who is white. The management of searches by officers was found to be poor with no explanation of why a search was taking place and no other information given to the person being searched.

The Stephen Lawrence Inquiry Report 1999 made 70 recommendations for society to show zero tolerance for racism. These recommendations include measures aimed at improving the accountability of the police, four of which relate directly to stops and searches (recommendation 62 and 63 focused on the 'marketing' of stop searches and the positive outcomes in terms of public safety)

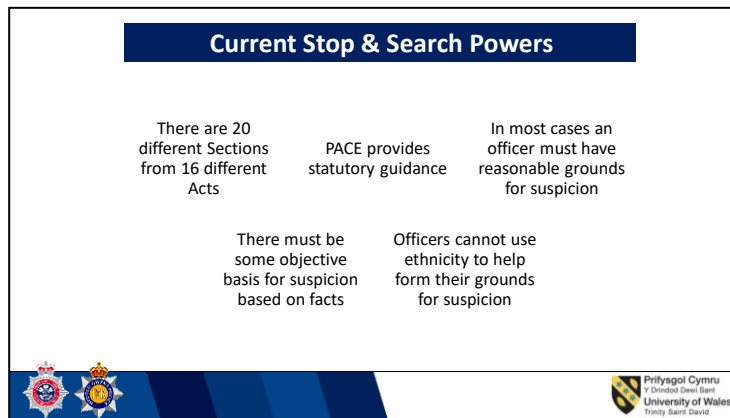
There was no suggestion by the Stephen Lawrence Inquiry Report or from communities to remove the power of stop and search from police officers.

There is a general acceptance by the public that stop and search is an important tactic for preventing and detecting crime.

The Government has accepted that stop and search should remain but guidelines were set out about the conduct of stop and search by police officers.

Officers have a responsibility to ensure that searches are conducted:

- fairly,
- responsibly,
- with respect for people being searched and
- without unlawful discrimination



The tragic killing of George Floyd in the USA in May 2020, and the subsequent protests in the UK and around the world, have highlighted once again the significant impact that police interaction can have on some people, particularly those from Black, Asian and Minority Ethnic communities. The public rightly expect the police to protect them by using their powers in an effective and fair manner. When the police use their powers disproportionately – in differing proportions on different ethnic groups – it causes suspicion among some communities that they are being unfairly targeted. This can undermine police legitimacy, which is a fundamental aspect of the British model of policing by consent. Legitimacy in the eyes of the public is inextricably linked to the way the police use their powers – whether the police are fair and reasonable in the use of their powers, respectful during encounters and open in their decision-making. A lack of trust leads to reduced legitimacy, which can lead to lower levels of co-operation and compliance. Unfair use of powers can be counterproductive if it leads people to feel they have no obligation to comply with the law. It may make people unwilling to report crimes of which they are the victims, or to come forward as witnesses. Some of the most intrusive and contentious police powers are those that allow the police to use force and to stop and search people. Some view stop and search as a valuable tool in the fight against crime, while others argue that its use has little effect on crime rates and can in fact increase disorder. For some, particularly Black, Asian and Minority Ethnic people, it can reinforce the perception that there is a culture of discrimination within the police.

The damage caused by unexplained disproportionality (that a certain group of people is affected by police action in a way that is substantially different from people not of that group) can be far-reaching and long-lasting. It may lead to more Black, Asian and Minority Ethnic people being drawn into the criminal justice system, disrupting their education and family lives, and reducing their work opportunities. (HMICFRS, Disproportionate use of police powers – A spotlight on stop and search and the use of force)

Disproportionate use of police powers on Black, Asian and Minority Ethnic people has been a problem for many years. Recent events around the world have highlighted once again the impact that police interaction can have on some people, particularly those from Black, Asian and Minority Ethnic communities. High-profile incidents of perceived unfairness in the UK have since reinforced

that impact – for example, the traffic stop of MP Dawn Butler and the stop and search of British athlete Bianca Williams that were widely reported in the media, with both incidents seen by those involved as having been initiated by racial profiling.

While disproportionality does not necessarily mean discrimination or misapplication of powers,²⁰ forces should be able to explain disparities and show the public evidence that their use of the powers is fair, lawful and appropriate.

In a recent survey (September 2020) of people from the Black community in the UK, 85 percent were not confident they would be treated the same as a White person by the police (HMICFRS, Disproportionate use of police powers – A spotlight on stop and search and the use of force)

The negative effect of disproportionate use of powers and poor police and community relations on public perceptions should not be underestimated. The damage can be far-reaching and long-lasting. Disproportionate use of powers leads to more Black people being drawn into the criminal justice system, disrupting education, reducing work opportunities and breaking down families and communities. It can contribute to perceptions among the public and police officers regarding Black people and crime. It may also influence how the police allocate resources, which in turn can accelerate the imbalances seen in the criminal justice system and perceptions of a correlation between ethnicity and criminality.²³ Among young Black, Asian and Minority Ethnic people, fear of conflict with the police, which might draw them into the criminal justice system, causes them to curtail their freedom at a critical time in their development. (HMICFRS, Disproportionate use of police powers – A spotlight on stop and search and the use of force)

Section 1 PACE

A police constable may detain any person or vehicle or anything which is in or on a vehicle, in any place to which the public has access

If he or she has reasonable grounds for suspecting that stolen or prohibited articles, prohibited fireworks or bladed or sharply pointed articles will be found

Any such article found during a search may be seized



QTS – what things do you think are included in the definition of stop and search?

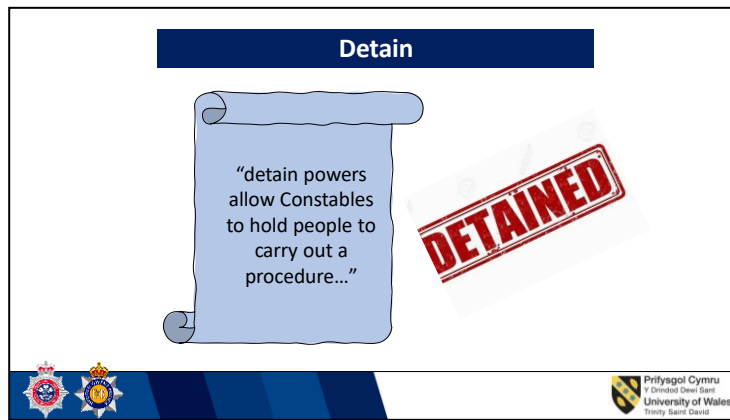
It is important to understand who and what you can stop and search, and what gives you the grounds to be able to do so before looking at where you can conduct a search and the procedures involved in carrying out such a search.

(We shall look at Reasonable Grounds to Suspect in more detail later on in the lesson)

Police Officer: Any police officer can exercise this power whether in uniform or not, however, the officer must show their warrant card if not in uniform. Only officers in uniform can stop a vehicle. Non-uniformed officers can search vehicles provided the vehicle is already stopped.

Any person - There are no minimum age restrictions, nor is there a requirement that the search is conducted in the presence of an appropriate adult, however it is best practice that we have another person present when searching young or vulnerable people.

***** Please note that BWV is to be put on for every Stop Search Encounter without fail*****



Detain: to 'hold' people temporarily to carry out a procedure.

If your detention for searching is not lawful and reasonable, you may also breach Article 5 of the European Convention on Human Rights - the right to liberty and security.

Intrusion on the liberty of the person stopped or searched must be completed as quickly as possible

Length of time for which a person or vehicle can be detained must be reasonable and not extend beyond the time taken for the search.

Inform. If you detain someone for the purposes of a search, you should *inform* them of their detention as soon as it begins.

PACE Code A - Principles governing stop and search:

Stop Search can be considered as one of the most intrusive activity that police carry out (arresting being one of the most); therefore the powers to stop and search must be used fairly, responsibly, with respect for people being searched and without unlawful discrimination.

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. Under the Equality Act 2010 when police officers are carrying out their functions, they also have a duty to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity & to foster good relations.

A search of a person must not be made, even with their consent, where no power to search is applicable – essentially there is no such thing as a voluntary search. 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 Code A.

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.

If there ceases to be reasonable grounds to conduct or continue with the search, then there will be no power and no search may take place. In the absence of any other lawful authority, the person will be free to leave and must be told so.

Note: Where a person has been lawfully detained, but no search in the event takes place, the detention will not be rendered unlawful.

Remember, the primary purpose of these 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 and must be able to explain their actions to the person being searched.

Stop and search can play an important role in the detection and prevention of crime, and using the powers fairly makes them more effective. 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. Any misuse of the powers is likely to be harmful to policing and lead to mistrust of the police and can lead to disciplinary action. Any evidence obtained from a search to which Code A applies may be open to challenge if the provisions of the Code are not observed

Vehicle

...a means of conveyance, usually with wheels, for transporting people, goods etc such as a car, cart, truck, carriage, sledge etc.
Any means of carriage or transport (includes vessels, aircraft and hovercraft)









Section 163(1) Road Traffic Act - a person driving a mechanically propelled vehicle on a road must stop the vehicle on being required to do so by a constable **in uniform** or a traffic officer - *However the search of the vehicle/persons may be carried out by any constable*

Other powers to stop vehicles in order to search include:

Section 23 Misuse of Drugs Act 1971 (we shall look at this in another lesson)

23(2) If a constable has reasonable grounds to suspect that any person is in possession of a controlled drug in contravention of this Act or of any regulations or orders made thereunder, the constable may –

- Search that person, and detain him for the purpose of searching him;
- Search any vehicle or vessel in which the constable suspects that the drug may be found, and for the purpose require the person in control of the vehicle or vessel to stop it;
- Seize and detain, for the purposes of proceedings under this Act, anything found in the course of the search, which appears to the constable to be evidence under this Act.

Section 47 Firearms Act 1968

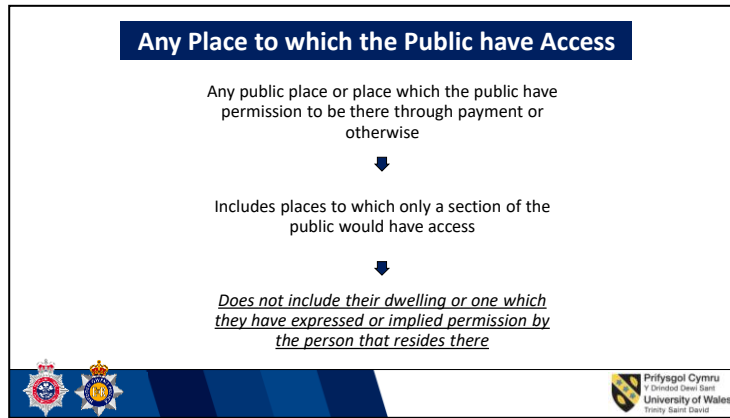
47(4) if a constable has reasonable cause to suspect that there is a firearm in a vehicle in a public place, or that a vehicle is being or is about to be used in connection with the commission of an offence relevant for the purposes of this section elsewhere than in a public place, he may search the vehicle and for that purpose require the person driving or in control of it to stop it.

Section 60 Criminal Justice and Public Order Act 1994

60(4) confers on any constable **in uniform** power to stop any vehicle and search the vehicle, its driver and any passenger for offensive weapons or dangerous instruments

This act enables an Inspector or above to designate an area where searches may be carried out without an individual officer needing to have grounds for suspicion. Typically used to deal with gang violence or football hooliganism; used in an area to prevent incidents of serious violence and the carrying of dangerous / offensive weapons or to find such instruments

Code A 4.8 to 4.10 - Record of search



You can never carry out a **Section 1 PACE** search in a dwelling.

You can search people in the gardens or yards attached to dwellings, but only if you have reasonable grounds for **believing** that the:

- person to be searched, or person in charge of the vehicle, does not reside in the dwelling; and
- person or vehicle is not at that place with the express or implied permission of a person who resides in the dwelling.

Note: Reasonable grounds to believe will require a much stronger level of objective facts than 'suspecting'.

DPP Guidance

Are school premises deemed to be public places for searches under Section 1 PACE?

No, a school is deemed private premises and includes all buildings, corridors, outbuildings and playing fields within the school boundary. The boundary also extends to those premises owned and used by the school that are at a different location.

Can I stop and search persons for controlled drugs within school premises?

Yes, Section 23 Misuse of Drugs Act 1971 provides the police with the power to search persons for controlled drugs and detain for the purpose of search if they have reasonable cause to suspect unlawful possession. This power is not restricted to public places and therefore can be exercised on school premises.

What power do I have to stop and search persons for offensive weapons or point / bladed articles within school premises?

Section 139B Criminal Justice Act 1988 provides that a constable may enter school premises and search persons on those premises for:

- a) Any article for which Section 139 applies (sharply pointed and bladed articles), or
- b) Any offensive weapon within the meaning of Section 1 Prevention of Crime Act 1953.

If he has reasonable grounds for suspecting that an offence under Section 139A of this

Act is being, or has been committed.

Stolen Items

Any item obtained dishonestly from another.

Any item which directly or indirectly represent a stolen item (includes the proceeds of stolen goods)







The Act does not define 'stolen articles.' A scope of offences relating to stolen goods can be found in the Theft Act 1968, which includes the proceeds of stolen goods

Any item obtained, dishonestly, from another or any item which directly or indirectly represent a stolen item & includes the proceeds of stolen goods

Note: some items such as drugs and items used for terrorist activities do not fall within this definition of Section 1 PACE and therefore other statutory powers of search must be used

- Section 23 Misuse of Drugs Act 1971 contains powers for searching individuals and vehicles in relation to drug offences
- Section 43 & 47A Terrorism Act 2000 (Replaced S.44 in 2012)

Prohibited Articles

Any offensive weapon:



Made



Adapted



Intended

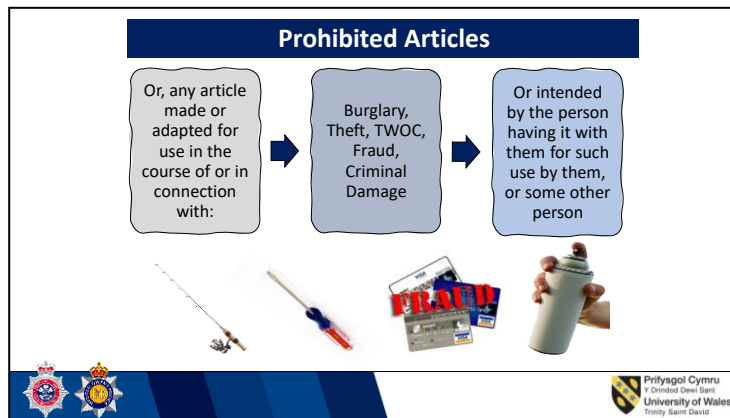




Offensive weapons

- **made** for the purpose of **causing injury**, e.g. a flick knife or a baton, courts need no proof of their intended use but will need some evidence that the defendant had no reasonable excuse for possessing such an item.
- have been **adapted** to be **used as weapons**. It will be for a jury to decide if the article has been specifically adapted to be a weapon. e.g. a snooker ball inside a sock.
- **intended to be used as a weapon**. These items are more difficult to prove that they are weapons because it is what the person intends to use them for. This admission would need to be proven during an interview.

Although Section 1 of PACE 1984 defines the types of prohibited articles for which a person or vehicle may be searched it does not make it an offence to possess such articles.

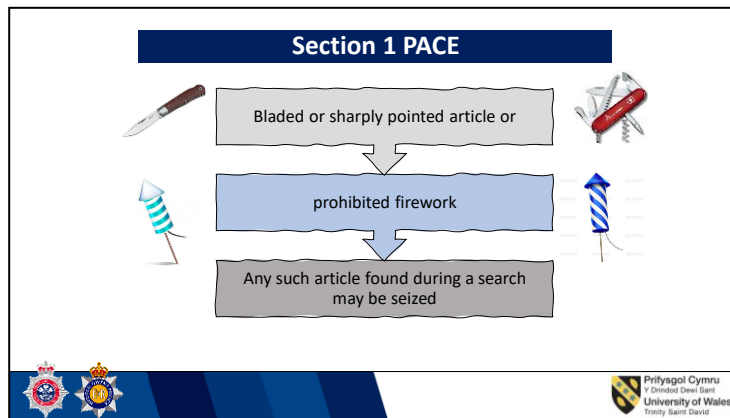


Articles Made or Adapted

These articles are often referred to as articles used for 'going equipped' and can cover many things including duplicate keys, a screwdriver or crowbar to gain entry to premises or vehicles, or false identification to gain access to someone's home in order to commit burglary or theft.

These articles may be used to assist the person to commit these offences.

They do not need to be offensive weapons but the investigating officer must be able to prove the connection between possession of the article and the offence.



Articles with Blade or Point

A search may be made for bladed or sharply pointed articles covered by Section 139 of the Criminal Justice Act 1988, including knives, screwdrivers, chisels or umbrellas with the pointed end sharpened.

You may search for bladed or sharply pointed articles covered by Section 139 of the Criminal Justice Act 1988, including knives, screwdrivers, chisels or umbrellas with the pointed end sharpened.

‘Bladed’ – includes any kind of bladed article, for example a kitchen knife, scissors, a craft knife, a pocket knife or any other article which has been given a cutting edge or blade.

Pocket knives with a blade less than 7.62cm (3 inches) long which cannot be locked in the open position are exempt from this legislation.

‘Sharply pointed’ – includes any kind of sharply pointed article, for example a needle, geometry compasses, or any other article which has been given a sharp point

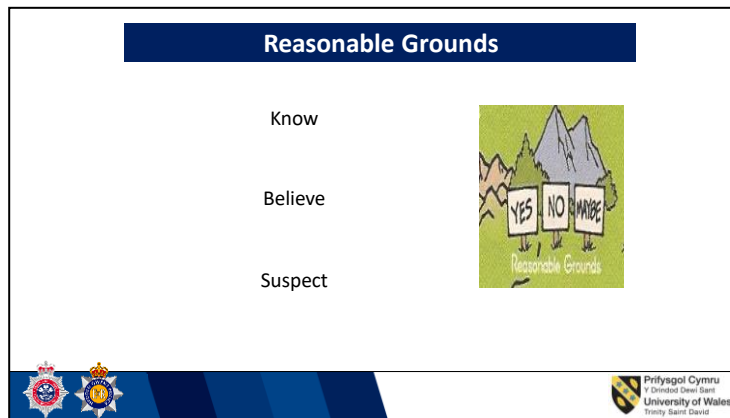
A court must decide whether or not an article has a blade or is sharply pointed, and therefore the onus is on the prosecution to prove that the article fits the relevant description.

Prohibited Fireworks

Any firework which a person possesses in contravention of a prohibition imposed by firework regulations.

- Possession of an adult firework (any firework except for a cap, cracker snap, novelty matches, party poppers, serpents, throw-downs and sparklers) by a person under 18 years in a public place OR
- Possession of a Category 4 firework; these are fireworks that are incomplete and/or which are not intended for sale to the general public
- Use of an adult firework between the hours of 11pm and 7am (except on 5 November, 31 December, Chinese New Year and Diwali).

‘Having it with them’ - rather than in possession. This means that the instrument is ‘readily available’ and could mean that the person has it in a vehicle parked close by



QTS – when we say that a police officer has reasonable grounds to search, what does ‘reasonable grounds’ mean to you?

The criteria for reasonable grounds to believe or suspect is the legal threshold for the exercise of almost all the powers available under PACE and other relevant legislation

In law there are three levels of knowledge that an officer has to have before they can act in any given situation.

Know - How would you **know** something has happened? You see it yourself – there is no doubt it has taken place. You **know** that this person has committed damage.

Believe - What would make you **believe** that something has happened? In this instance you are on patrol on a side street of the main shopping area. You hear a smash of glass from around the corner. You turn the corner and see a man standing in front of a broken shop window. Inside the shop is a large brick.

Suspect - What would make you **suspect** that something has happened?

You hear a smash of glass from around the corner. You turn the corner and see a man running away. You see a broken shop window and inside the shop is a large brick. You walk along the street and find the man you saw running away hiding behind some bins.

Suspicion – An instinct, hunch or ‘gut-feeling’ **can not** amount to reasonable grounds to suspect for a search

Whether or not a constable has reasonable cause to suspect or believe is for a court to decide

Code A of PACE states reasonable grounds for suspicion could be based on:

- ***Behaviour*** of the person or those with him or her.
- ***Article*** suspected of being carried.
- ***Intelligence*** accurate & current
- ***Time & place*** where the person or vehicle is
- **Knowledge** - something you have been told by someone else (police colleague – witness – or even anonymous information)

Attention should be paid to the risk of stereotyping – the reason the police were criticised

by the Scarman Report and the Lawrence Enquiry.

Generally, reasonable suspicion should not be based purely on a person's:

- Colour
- Age
- Hairstyle
- Clothing
- Previous convictions

Whilst applying the 'test' to the particular circumstances in each case, an officer **must have a reasonable suspicion** that the person **is in possession** of a relevant article to which this power applies (stolen, prohibited, MUDA s23), in order to carry out a stop and search.

- "Suspicion is a state of conjecture or surmise where proof is lacking"
- 'Reasonable Suspicion' in contrast to mere suspicion must be founded on facts, intelligence, information, or the behaviour of the person concerned.

Therefore there must be some solid basis for the officer's suspicion, related to the person concerned, which can be considered and evaluated by an objective third person.

You may find that during your search, your grounds for the search cease. It could be that information comes to light that places the reasonable grounds to suspect move onto another person, or even cancels the original suspicions that a possible crime has or may have been committed. Explain this to the person, explain they are no longer being detained and thank them for their cooperation.

Your grounds may also change as a result of the search, as well as the power under which you are conducting the search. *Example: Your legal authority may change because the person becomes uncooperative to the extent where they become violent and or abusive. Their behaviour may be such that they are committing one or more of a variety of offences, for example, public order, assault or obstructing a police officer. In such a situation you may find it necessary to arrest the person. Your search will now no longer be conducted using a stop search power; instead you will be using a post arrest power of search under Section 32 PACE 1984.*

Remember -What can you give evidence of?

Seen

Heard

Actions

Conversations

Knowledge

Smell







The Codes of Practice clearly set out the requirement for objectively based grounds to justify a search. A good test of whether there are sufficient reasonable grounds to conduct a search is to ask yourself the following questions:

Would an independent third person come to the same conclusion as me if they looked at the facts?’

Seen – What have you seen including actions & behaviours

Heard – What have you heard; conversations, alarms, breaking glass, etc

Actions – Including what you did, what the person did in response and so on

Conversation – What did you say to them? What did they say to you? Did their reply increase or decrease your grounds to search?

Knowledge – What is already known about the individual in terms of intelligence? What is the time / location? Is the area a tasking area? Has the person been seen or pointed out by witnesses? It is not enough to simply state that a search is conducted because of intelligence concerning an individual’s history or warning markers. The grounds to search must be ‘there and then’ rather than just retrospective information.

Smell – Any smell that might give rise to the suspicion that drugs may be present

****Although smell alone will not give RG to search for drugs****

CONSIDER;

The nature of the article suspected of being carried

The time & place where the person or vehicle is

The behaviour of the person or those with him or her

That the suspicion is linked to accurate & current intelligence.

Whilst considering searching ask yourself the following:

Are my actions lawful? - Is there a common or statute law to support my interference with a person’s rights?

Are my actions permissible? - Am I permitted to interfere with a person’s rights because it is in support of a duty such as the preventing of crime?

Are my actions necessary? - Do the needs of the many outweigh the needs of the few, in other words, must I take into account the interests of the community and balance one individual’s rights against another’s?

Are my actions proportionate? - Having considered everything, will my actions be excessive or could they be less intrusive and more in proportion with the outcome I need to achieve?

In summary

The following would **not** constitute grounds for reasonable suspicion:

- A person's physical appearance, apparent race, ethnicity, religion, gender, age or social standing
- A person's previous convictions or the fact that they are "known" to police
- The fact that someone is in a "high crime area"
- Furtive movements, unless there is also specific intelligence regarding criminal activity e.g. specific intelligence or observations
- A person's associates, even if there are reasonable grounds for searching one of the associates
- Where there are only weak or non-specific descriptions

The following **could** be considered as reasonable grounds for suspicion:

- A specific description of a suspect or vehicle from a victim or witness
- Specific police intelligence about the person, i.e. that he or she is actively involved in an offence
- Footage from a CCTV camera giving positive details about a person's appearance, i.e. enough detail to make a positive identification
- Information from a colleague that is specific enough to positively identify a suspect person
- Briefings on specific vehicles or active offenders together with behaviour signs
- Specific actions, behaviour and issues observed by police officers that indicate that a person may be engaged in an illegal activity
- Specific actions, behaviour and issues observed by police officers that indicate a person may be trying to hide an article or discard a stolen or prohibited article

The grounds as recorded on the will be abbreviated and cannot cover every nuanced detail as to how the suspicion was arrived at. However, it needs to be covered in sufficient detail to allow a third party to understand why your suspicion was reasonable and to be useful to you as an aide-memoire in the future.

Be clear of the distinction between circumstances and grounds.

The facts that someone has been stopped at night, and in a high crime area, are only circumstances. However, the fact that it was shortly after a reported burglary and that they matched the description of the offender are grounds.

So, Rather than state "*stopped near to the scene of the burglary*" go further to describe how near to the scene the person was found e.g. "*stopped 200 metres from the scene of the burglary*".

Rather than state *“stopped shortly after a reported burglary”* go on to describe how much time had elapsed since the reported burglary e.g. *“stopped 45 minutes after the reported burglary”*. The time of the search is recorded on the form so it may prove useful to record the time of the offence on certain occasions.

Rather than state *“matched the description of the suspect”* go on to describe the nature of the matched description e.g. *“the male stopped is white, over 6’ tall and very thin as per the witness description”*.



What is 'reasonable'? – dictionary definition - *Fair and sensible*

Reasonable grounds for suspicion depends on the individual circumstances, but must be objectively based on facts, information and/or intelligence relevant to the likelihood of finding stolen or prohibited articles, bladed or sharply pointed articles or prohibited fireworks.

You must have reasonable grounds to suspect before a search can be made as you cannot detain a person in order to find grounds for a search. (see next slide)

Reasonable grounds for suspicion and searching groups

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 (might include jewellery, insignias, tattoos or other features which are known to identify members of the particular gang or group) may provide reasonable grounds to stop and search any person believed to be a member of that group or gang.

A similar approach would apply to organised protest groups where there is reliable information or intelligence that they arrange meetings and marches to which one or more members bring articles intended to be used to cause criminal damage in support of the group's aims. This may provide reasonable grounds to stop and search any members of the group to find such articles

Decision Making and Bias – trainer to lead a facilitated discussion

It's appropriate at this stage to discuss biases in decision making. This should be discussion rather than didactic; be prepared to challenge conscious or unconscious bias – make links to Code of Ethics (Lesson and Student Notes), NCALT Stop and search module 4) Decision-making, Diversity Lesson

Some useful definitions to assist the discussion:

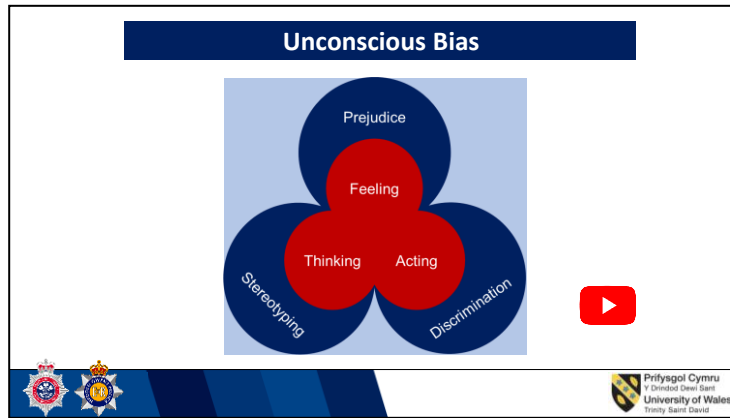
- **Prejudice:** A preconceived attitude or belief - usually a negative one - about a person or group (that is not based on direct experience). Prejudice is often resistant to change and can, but does not necessarily, result in discrimination.

- **Stereotyping:** The process of thinking a person is a member of a particular group, and shares the assumed characteristics of that group, in way that allows for little or no individual difference to be recognised. The assumed group characteristics that are thought to apply to the individual can be positive or negative. Stereotypes are cognitive 'sense-making' tools, and can be 'explicit' or 'implicit' depending on whether the person using them is aware of doing so, or intends for and is able to control their use.
- **Unconscious bias:** A judgement about a person or group about which the person making the judgement has little or no awareness and control.
- **Discrimination:** The legal definition of discrimination is "A person (A) discriminates against another (B) if, because of a protected characteristic (or prejudice), A treats B less favourably than A treats or would treat others" (Equality Act 2010).

*Everybody has unconscious bias. It happens outside of our control and we are often unaware it happens. It can influence decision making.

It is important for the class to be aware of the following and be able to discuss:

- Recognise that bias of whatever kind can influence decision making.
- That in a given situation such as a potential stop and search, the tendency is to assess the situation in the light of previous experiences, "mental shortcuts", rather than to carry out a step by step evaluation of the circumstances as they exist. That is to reach a quick decision; we substitute memory of like situations for reasoned, logical, step by step analysis.
- That it is incumbent on us all to challenge any recognised bias in oneself and others, and to take steps to ensure that there is no repetition. This is not easy and requires a "step back and think" approach, to ensure that the person making the decision, whether ourselves or another, does so on the intelligence and information available rather than on a preconceived idea about a person or a situation. If the result of the "step back and think" is that there is a preconception the person concerned (whether self or another) should be made aware that it exists and asked to think again.
- Where there isn't a situation that requires any search under any section, other legislation can be utilised in order that we can take positive action e.g. s35 Anti-social Behaviour, Crime and Policing Act 2014 or s59 Police Reform Act 2002 whereby a warning notice can be given to a driver, whereby a constable in uniform believes the vehicle is being used in an anti-social manner or to seize the vehicle accordingly thereafter under the precepts of the act.



QTS – what types of things can affect what decisions we make?

Everybody has unconscious bias. It happens outside of our control and we are often unaware it happens.

Some useful definitions to assist the discussions:

Prejudice
Stereotyping
Unconscious bias
Discrimination

It is important for the class to be aware of the following and be able to discuss the subject point by point:

Recognise that bias of whatever kind can influence decision making.

That in a given situation such as a potential stop and search, the tendency is to assess the situation in the light of previous experiences, "mental shortcuts", rather than to carry out a step by step evaluation of the circumstances as they exist. That is to reach a quick decision; we substitute memory of like situations for reasoned, logical, step by step analysis.

That it is incumbent on us all to challenge any recognised bias in oneself and others, and to take steps to ensure that there is no repetition. This is not easy and requires a "step back and think" approach, to ensure that the person making the decision, whether ourselves or another, does so on the intelligence and information available rather than on a preconceived idea about a person or a situation. If the result of the "step back and think" is that there is a preconception the person concerned (whether self or another) should be made aware that it exists and asked to think again.

You Tube Video explaining Unconscious Bias – 3 mins 20 secs
(<https://www.youtube.com/watch?v=rbe5D3Yh43o>)

In order to understand how bias might operate, it can be helpful to look, first, at how social psychologists think about the human mind.

They tend to think of the human mind as having three dimensions:

1. Emotions – how we feel about things
2. Motivations – how we act towards things
3. Cognition – how we think about things.

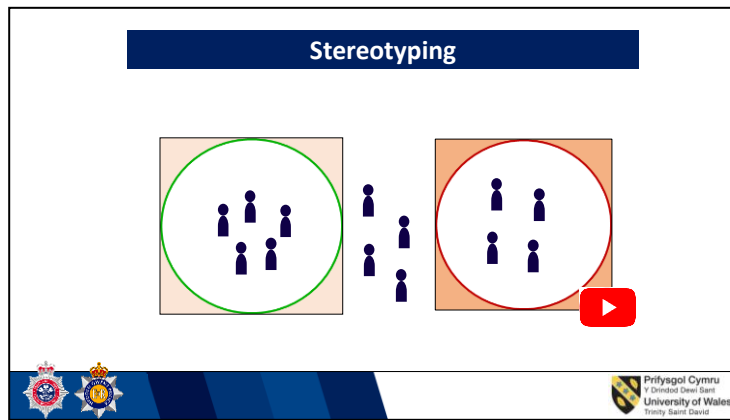
The way we think, feel and act are sometimes in alignment – but not always. You hear about how people act instinctively without thought, or how their gut feeling went against what they believed.

When it comes to understanding relationships between different groups – like the police and different communities – it is possible to apply the three dimensions.

1. Prejudice – bias in how we feel about other people
2. Discrimination – bias in how we act towards other people
3. Stereotyping – bias in how we think about other people

Like feelings, actions and thoughts, prejudice, discrimination and stereotyping are separate but often related to one another

Holding negative views about a particular group of people could affect the way you behave towards them, but not necessarily



Stereotype You Tube – 1 min 7 seconds
https://www.youtube.com/watch?v=5KKId_9CSIk

Stereotyping is ‘normal’ in the sense that psychologists see it as a natural and efficient mental process.

They do not see it as a pathology and the same thing as prejudice (a preference or dislike for particular groups of people on a more emotional level).

Stereotyping results from the way we categorise the world around us.

As humans, we find it very quick, easy and automatic to place people and things into particular categories, and doing so helps us to make sense of what’s happening.

When it comes to people, psychologists suggest we categorise people – including ourselves – into in-groups (the group we think we belong to) and out-groups (groups we don’t think we belong to).

It is common in western society for us – and from a very early age – to categorise ourselves and other people in terms of gender, race/ethnicity, etc.

Stereotyping occurs when we start to think that a particular group or category as being more likely to possess a particular characteristic.

Not all stereotypes are framed negatively – you will be familiar with the common stereotypes that exist about which gender is more empathetic, and which nationalities have the best builders.

Stereotypes are thought by psychologists to have some important functions.

- 1.They help us to rationalise perceived inequalities between groups (e.g., that group has more/less because they are more/less deserving)
- 2.They boost the way we feel about ourselves and the in-groups to which we think we belong
- 3.Most importantly, they act as a ‘mental shortcut’ for making sense of new, unfamiliar or complex situations, helping us to ‘fill in the blanks’ when we have limited information or time.

TRAINER NOTE: You may wish to choose an example to illustrate the above point. For example, a person may see something with leaves and petals and assume it is a bunch of flowers, only to realise the flowers are made of plastic when he or she goes to smell them.

Stereotypes can be formed directly (from personal experience) or indirectly (via friends, family and the media) and can be deeply rooted in history.

Just because stereotyping is a 'normal' mental process, it is not always desirable.

When decisions are based on stereotypes, they can lead to discrimination, particularly when those decisions are made by people in positions of authority or power (like the police).

How might stereotypes be formed? Psychologists suggest there are several processes:

1. Our tendency of seeing people's behaviour as resulting from their internal disposition, rather than as a response to a temporary situation (fundamental attribution error)
2. Our greater tendency of seeing the behaviour of people from out-groups as resulting from their internal disposition (ultimate attribution error)
3. Our tendency of seeing less diversity in out-groups than in-groups (i.e. they are all the same).
4. Our tendency of seeing spurious patterns in rare and random events (illusory correlations).

The less information and time we have, the more likely we are to rely on stereotypes.

TRAINER NOTE: You may wish to ask students to reflect on the speed of their decision making in stop and search and other situations, and highlight the importance of them stopping and thinking.

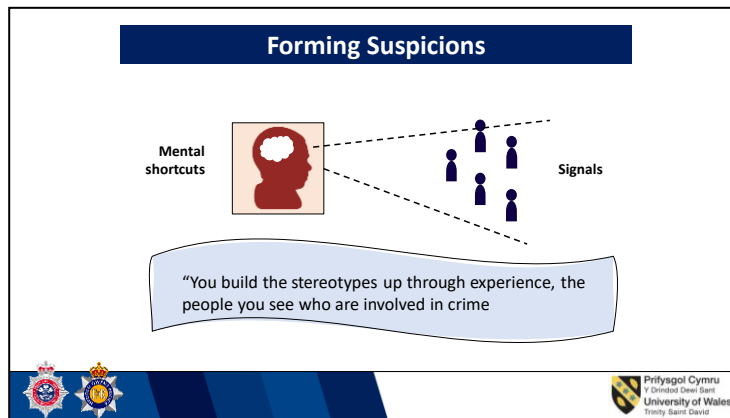
Stereotypes are seen by psychologists as being particularly resistant to change – in part because of the functions they serve.

This is because we tend to not notice – and sometimes even discount – information or examples that do not fit our expectations, and because some stereotyping can lead to self-fulfilling prophecy.

Compared to prejudice, people tend to be less aware of when they use stereotypes.

Psychologists see stereotyping as less visible and intentional – in this sense, it can be seen as form of bias about which we are 'unconscious'.

Nevertheless, psychologists think that the same processes that create stereotypes (i.e. direct and indirect experience) can, over time, be used to change and challenge them.



How do officers form suspicions when they are on patrol, and what role my stereotypes play in decisions to stop and search?

Research carried out with police officers in England and Wales based on fieldwork carried out in 2000 and 2004 has suggested that officers (like everyone else) scan their environment in order to identify cues (things or people) that could signal danger or disorder. (The process is referred to as ‘signalling’.)

These cues are numerous, ever changing and are not inherently meaningful, so officers (like everyone else) use mental shortcuts or rules of thumb to make sense of them and to decide on what action to take. (The process is referred to as ‘framing’).

These rules of thumb tend to be built up directly via previous experience or shared indirectly.

TRAINER NOTE: You may wish to ask the students about the cues or signals that tend to look out for on patrol and how they interpret them (e.g. the drivers’ window being wound down slightly sometimes signals to officers that the driver may have been drinking).

Interviews with officers and extensive observations of police patrol have highlighted the signals that prompted officers to become suspicious and initiate contact with a member of the public.

The signals that prompted action varied between officers and in different places, and are very likely to change over time. Indeed, officers varied in the level of suspicion they needed before they stopped someone or searched them.

1. Strong signals – The ‘regulars’ and evidence of drug use were strong signals of suspicion and often resulted in contact. People who closely matched a suspect description and were seen to commit an offence (particularly disorder which was an affront to the officer) were also strong signals but prompted contact much less often.
2. Intermediate signals – Young people – particularly those in groups, wearing sports clothes and just ‘hanging around’ – and people who vaguely matched suspected descriptions often attracted police attention but did not always lead to contact (i.e. ‘sports gear’ example).
3. Weak signals – People wearing particular items of clothing (e.g. driving gloves, heavy dark coats) or who appeared scruffy or out of place sometimes

attracted officer attention and only occasionally lead to contact. Some officers would also be suspicious about particular makes and models of vehicle.

It was difficult for the research to pin down the role that race and ethnicity played in officers' decision to initiate contact.

In line with previous research, some officers seemed to have heightened suspicions about young black men.

Only one example was seen where race/ethnicity appeared to play a pivotal role in the officer's decision to initiate contact (i.e. 'Rasta man' example).

Officers were, however, asked for the views on racial/ethnic patterns in offending.

The majority of those who were interviewed were very careful to contextual their answers and to say that any differences were local and temporary rather than suggest one group was inherently more/less criminal than any other.

Some were much less careful, and their answers revealed the existence of prejudice and stereotypes (i.e. 'street robbery' examples).

In general, though, officers tended to talk about black men in relation to street robbery and drugs, and white men in relation to a wider range of crime (usually public order, burglary, and vehicle crime). Few associated Asian men with particular crime types.

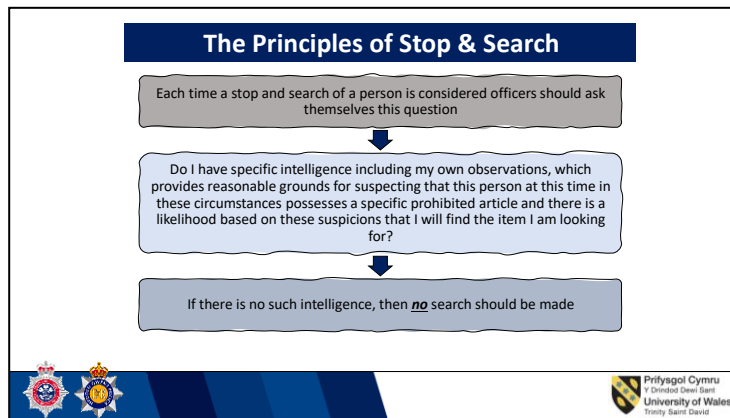
TRAINER NOTE: Because of the age of this research, you may wish to ask the students to think about what's changed and whether they think the findings still hold true (e.g. gangs, Islamist terrorism).

There is evidence, therefore, that decisions to stop and then to search people are shaped by stereotypes – these may not always relate to a person's perceived race or ethnicity and could be informed by contextual factors (e.g. time of day, neighbourhood, signs of disorder).

These 'mental shortcuts' are natural and efficient ways of making sense of the world, but we have to be especially careful when they relate directly or indirectly to particular groups of people, because of their potential to result in biased decisions and discrimination.

TRAINER NOTE: You may also wish to note that even if officers act neutrally, their decisions could nevertheless lead to disproportionality because of the composition of the neighbourhood they work in, the calls for service they receive, and the way their actions interact with and potentially exacerbate wider structural inequalities (e.g. unemployment, access to housing, school exclusions).

QTS – having discussed unconscious bias, can you give me examples of how unconscious bias can impact on a stop and search?



QTS – what principles do you think we need to adhere to ensure that we use our stop and search powers in the most effective way?

Stop and Search can be a valuable power to assist policing **provided that it is used correctly**

The purpose of the police service includes upholding the law and maintaining the Queen's peace. Stop and search can help to achieve this task where used appropriately and proportionately. If used unnecessarily, unlawfully and/or in an unfair manner, however, it can cause harm - it may discourage the public from voluntarily engaging with the police or reporting, it can diminish confidence & trust, and it can have an adverse influence on the perception the public have on police

Code A says:

Stop and search can play an important role in the detection and prevention of crime and using the powers fairly makes them more effective.

(Paragraph 1.3)

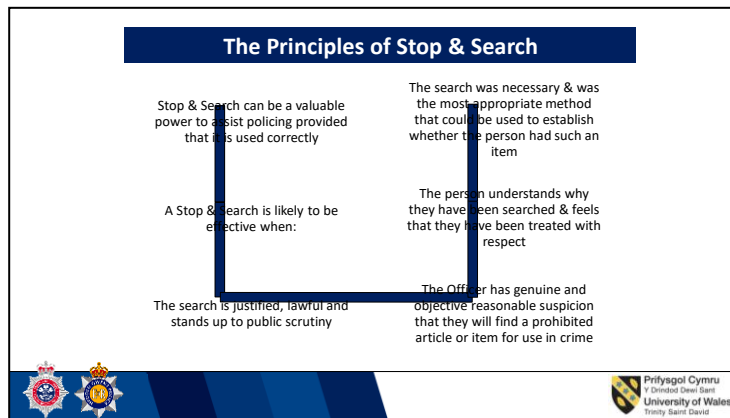
The primary purpose of stop and search powers is to enable officers to allay or confirm suspicions about individuals without exercising their power of arrest.

(Paragraph 1.4)

Police officers meet, speak with and informally advise members of the public thousands of times every day. This is the nature of effective community policing and highlights our tradition of policing by public consent

Where police interactions with the public have a more restrictive effect on individual rights (stop and search), these interactions must be lawful as well as necessary and proportionate

The lawful and proportionate use of stop and search by officers, in line with procedural justice approach (where an officer makes decisions fairly and treats people with respect), should help to maintain public trust, police legitimacy and policing by consent



Ensure an understanding of:

- Respect
- Necessary
- Proportionate
- Public Scrutiny (**BWV to be put on for every Stop Search encounter**)

Remember:

Each time a stop and search of a person is considered, officers should ask themselves this question:

‘Do I have specific intelligence, including my own observations, which provides reasonable grounds for suspecting that this person at this time in these circumstances possesses a specific prohibited article and there is a likelihood based on these suspicions that I will find the item I am looking for?’

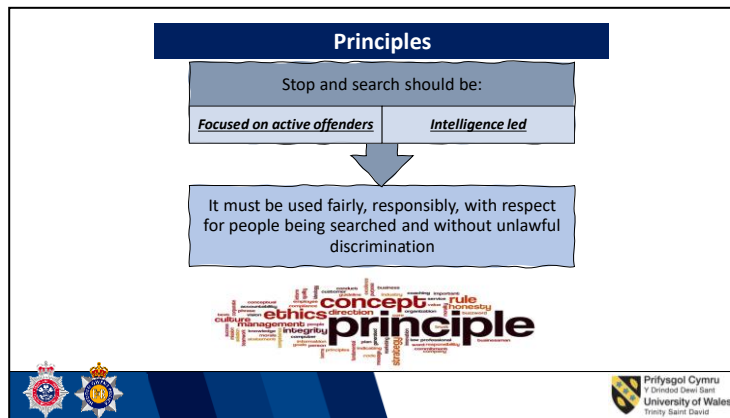
If there is no such intelligence, then no search should be made.

Officers should apply the National Decision Model (NDM) to actively consider, on a case-by-case basis, whether stop and search is the best response to the particular circumstances they are facing. What are the officer’s options for handling the situation and is stop and search lawful, necessary and proportionate to those circumstances?

Applying the NDM also allows the officer to stop and think about the reasonableness of their grounds in a structured manner before deciding to search.

If the person being searched is under 18 – then they do not need to have an appropriate adult with them.

If the person is under the age of 10 – then an Inspector is to be made aware that the search is being conducted (this does not mean that authorisation is required – just that they are made aware). Officers are to be aware of the safeguarding requirements when conducting such a search and duty of care to the individual.



This doesn't mean that stop search is not to be used.

Officers should be cognisant of when and why they use stop and search – what is the context in what are they trying to achieve, why are they trying to achieve? Do they have the grounds?

e.g. drugs stop search – to what end?

The inappropriate use of these powers, both real and perceived, has adversely affected the relationship between the police and the communities they serve, and for some members of the public has brought into question the very legitimacy of the police service. The use of these powers can be inflammatory if not carried out carefully and fairly. The damage that apparent or perceived unfairness inflicts on community relations could potentially outweigh any increase in public safety from the police activity, especially if the emphasis is on lower-level offending. The resultant lack of trust between the police and some communities can prevent these communities from providing information to the police when a crime is committed, contributing to a “wall of silence”. This makes it much harder for policing to be **intelligence-led**. (HMICFRS, Disproportionate use of police powers – A spotlight on stop and search and the use of force)

What is fair and effective stop and search?

The College of Policing has developed a definition of fair and effective stop and search in collaboration with police practitioners, force senior officers and the National Police Chiefs' Council (NPCC) lead for stop and search.

A stop and search is most likely to be fair and effective when:

- the search is justified, lawful and stands up to public scrutiny
- the officer has genuine and objectively reasonable suspicion that s/he will find a prohibited article or item for use in crime
- the person understands why they have been searched and feels that they have been treated with respect
- the search was necessary and was the most proportionate method the police officer could use to establish whether the person has such an item.

Four core elements underpin the definition:

1. The decision to stop and/or search a person must be fair

- Fair means that the officer's decision to stop and search a person must be based only on appropriate factors
 - It is never appropriate to stop and/or search a person on the basis of protected characteristics
 - The decision to stop and search a person must be based on objective factors – Reasonable Grounds
 - Personal factors can never support reasonable grounds for suspicion i.e. physical appearance, pre-cons, stereotyping / generalised assumptions
 - Biases in decision making should be recognised and challenged

2. The search must be legal in basis and in application

- It must have a legal basis
 - Each stop and search encounter must have a basis in law. The officer carrying out the stop and search must only do so using one of the powers provided for in legislation and it must be the right power in the particular circumstances.
- It must be lawfully applied
 - Where there is a legal power to stop and search, it must also be exercised lawfully – the power must be applied in a way which is compatible with the enabling legislation, with the applicable code of practice (Code A in most cases) and with human rights law. This includes ensuring that the extent of the search is limited to what is necessary and proportionate in the circumstances to achieve a legitimate aim

3. Interaction with the public during the encounter must be professional

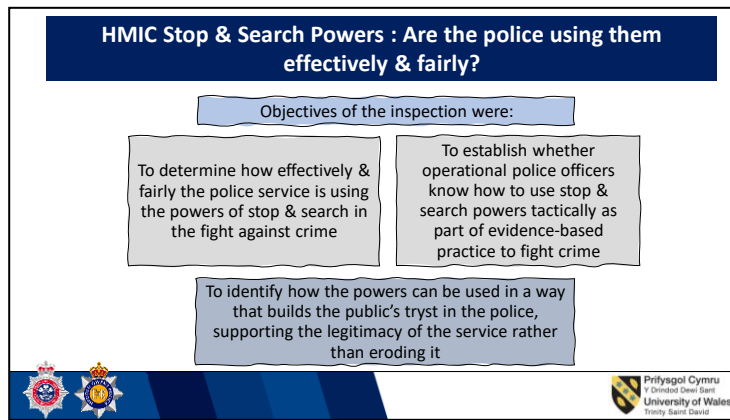
- During stop and/or search encounters, officers must:

- comply with professional standards of conduct, especially the Code of Ethics
- communicate effectively with people
- treat people with dignity and respect

1. Police use of stop and search powers must be transparent and accountable

- Officers using the powers must accurately record individual encounters in sufficient detail so that they are capable of being reviewed.
- Supervisors must monitor the use of the powers by those for whom they are responsible and address any issues identified.
- Those at senior levels must ensure that data is analysed and acted upon.
- Force policies must support and promote the fair and effective use of stop and search powers and facilitate public scrutiny of their use

www.app.college.police.uk/app-content/stop-and-search



Over 35 years on from the introduction of stop and search legislation, no force fully understands the impact of the use of these powers.

When the police use their powers disproportionately – in differing proportions on different ethnic groups – it causes suspicion among some communities that they are being unfairly targeted.

This can undermine police legitimacy, which is a fundamental aspect of the British model of policing by consent.

For some, particularly Black, Asian and Minority Ethnic people, it can reinforce

the perception that there is a culture of discrimination within the police. (HMICFRS – Disproportionate use of police powers – A spotlight on stop and search and the use of force)

The public expect the police to protect them from harm by using the powers granted to them by Parliament in an effective and fair manner. Arguably, some of the most intrusive and contentious powers are those of stop and search. For decades the inappropriate use of these powers, both real and perceived, has tarnished the relationship between constables and the communities they serve, and in doing so has brought into question the very legitimacy of the police service. Thirty years after the riots in Brixton, concerns about how the police use stop and search powers were again raised following the riots in England in August 2011.

As a result....THE HMIC Stop & Search Powers: Are the police using them effectively and fairly?

The objectives for this inspection were:

- to determine how effectively and fairly the police service is using the powers of stop and search in the fight

against crime; □ to establish whether operational police officers know how to use stop and search powers tactically as part of evidence-based practice to fight crime; and □ to identify how the powers can be used in a way that builds the public's trust in the police, supporting the legitimacy of the service rather than eroding it.

The Public View

The HMIC survey established that most respondents were aware of police powers to stop and search people. Over three-quarters believed that use of the powers helps the police to catch criminals and prevent or detect crime, and more than half the respondents said that seeing the police using the powers in their areas made them feel safer. Interestingly, a quarter of respondents believed that certain

groups of people in society are likely to be stopped and searched more often than others, with a third attributing this to unlawful discrimination (this figure increased to around 55% among black and minority ethnic respondents).

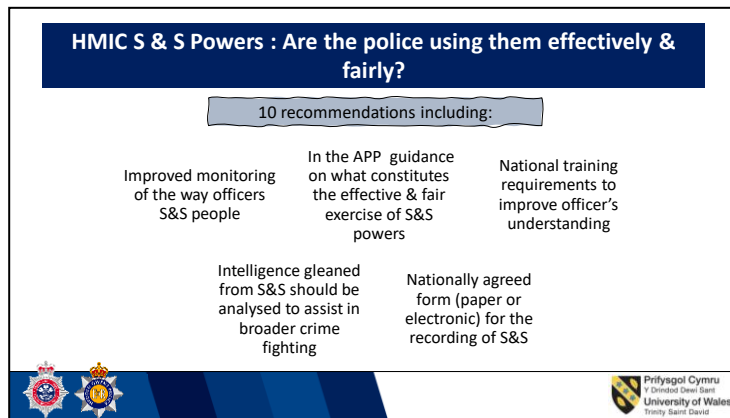
Training

Most officers had not received any training in the use of stop and search powers since they joined the service. Only 21 forces provided any form of refresher training, and in many of those the training was delivered by

e-learning packages. Those forces which had made significant investments in training in the use of stop and search powers had done so because of external pressure from oversight bodies, such as the Equalities and Human Rights Commission (EHRC), or to accompany changes in recording processes. In the absence of regular training, it was

found that police officers were developing habits which were learned through watching and listening to others. This can be a positive approach if skilled mentors are engaged, but otherwise can lead to the spread of inappropriate or, in some cases, unlawful practices; for example, searches carried out without reasonable grounds for suspicion.

Conclusions - Very few forces could demonstrate that use of stop and search powers was based on an understanding of what works best to cut crime; and rarely was it targeted at priority crimes in their areas. Forces had reduced the amount of data collected to reduce bureaucracy, but this had diminished their capability to understand the impact of the use of stop and search powers on crime levels and community confidence. Better use of technology could assist by providing frontline officers with real-time information and the ability easily to record information that could improve the use of the powers.



Recommendations

1. Chief Constables and the College of Policing should establish in the stop and search Authorised Professional Practice document a clear specification of what constitutes the effective and fair exercise of stop and search powers, and guidance in that respect. This should be compliant with the code of practice. 2. Chief Constables should establish or improve monitoring of the way officers stop and search people, so that they can be satisfied their officers are acting in accordance with the law

(including equality legislation and the code of practice), and that the power is used effectively to prevent crime, catch criminals and maintain public trust.

This monitoring should, in particular, enable police leaders to ensure officers have the reasonable grounds (and, where applicable, authorising officers have the reasonable belief) required by law to justify each stop and search encounter. 3. Chief Constables should ensure that officers carrying out stop and search encounters are supervised so that they can be confident that the law is being complied with and that the power is being used fairly and effectively. Particular attention should be given to compliance with the code of practice and equality legislation. 4. The College of Policing should work with Chief Constables to design national training requirements to improve officers': understanding of the

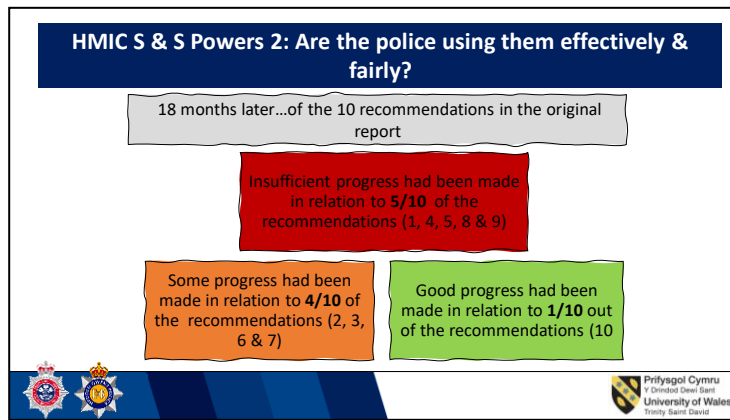
legal basis for their use of stop and search powers; skills in establishing and recording the necessary reasonable grounds for suspicion; knowledge of how best to use the powers to prevent and detect crime; and understanding of the impact that stop and search encounters can have on community confidence and trust in the police. Specific training should also be tailored to the supervisors and leaders of those carrying out stops and searches. 5. Chief Constables should ensure that officers and supervisors who need this training are required to complete it, and that their understanding of what they learn is tested. 6. Chief Constables should ensure that relevant intelligence gleaned from stop and search encounters is gathered, promptly placed on their force 12 = Procedural justice and professional policing in

times of austerity,' Hough, M. April 2013. Criminology and Criminal Justice, volume 13, edition 2. HMIC (2013) Stop and Search Powers: Are the police using them effectively and fairly? 10 intelligence systems, and analysed to assist the broader crime fighting effort. 7. Chief Constables should, in consultation with elected local policing bodies, ensure that they comply with the code of practice by explaining to the public the way stop and search powers are used in their areas and by making arrangements for stop and search records to be scrutinised by community representatives. This should be done in a way that involves those people who are stopped and searched, for example, young people. 8. Chief Constables should ensure that those people who are dissatisfied with the way they are treated during stop and

search encounters can report this to the force and have their views considered and, if they wish, make a formal complaint quickly and easily. This should include gathering information about dissatisfaction reported to other agencies. 9. Chief Constables should introduce a nationally agreed form (paper or electronic) for the recording of stop and search encounters, in accordance with the code of practice. 10. Chief Constables should work with their elected local policing bodies to find a way of better using technology to record relevant information about stop and search encounters, which complies with the law and reveals how effectively and fairly the power is being used.

These were to be revisited 18 months later

in HMIC S & S Powers 2 (next slide)

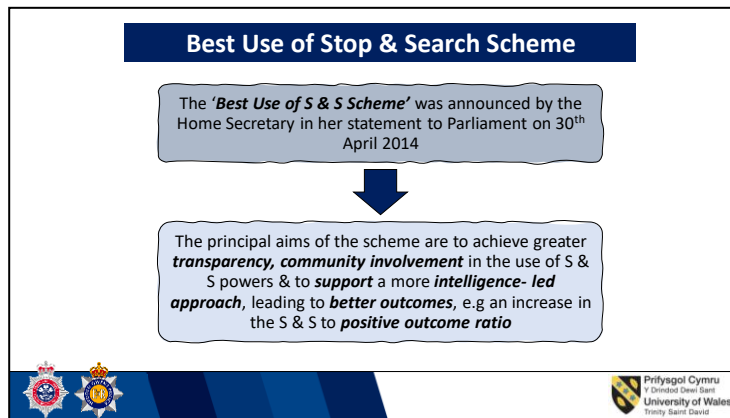


In 2013, HMIC published Stop and Search Powers: Are the police using them effectively and fairly? The report concluded that stop and search powers were rarely targeted at priority crimes in particular areas and there was very little understanding in forces about how the powers

should be used most effectively and fairly to cut crime.

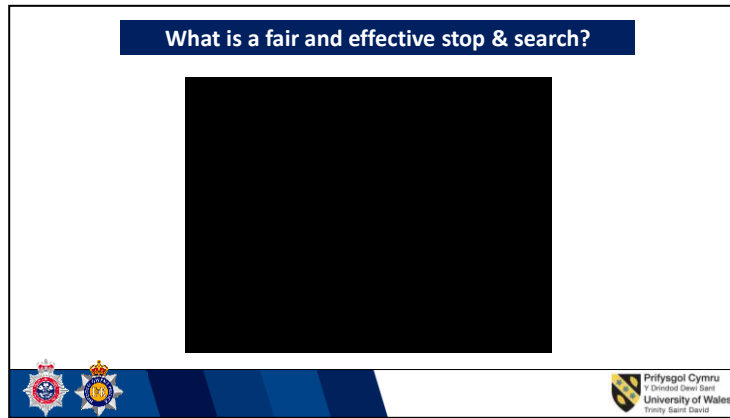
- **Insufficient progress has been made in relation to:**
- Establishing Authorised Professional Practice – a clear specification of what constitutes effective and fair exercise of stop and search powers (Recommendation 1)
- Designing national training requirements to improve officers' skills, knowledge and understanding of the legal basis for their use of stop and search powers (Recommendation 4)
- Improving officers' understanding of the impact that stop and search encounters can have on community confidence and trust in the police (Recommendation 5)
- Providing a route for people who are dissatisfied with the way they are treated during stop and search encounters to report this to the force and make a formal complaint quickly and easily (Recommendation 8)
- Introducing a nationally agreed form (paper or electronic) for the consistent recording of stop and search encounters (Recommendation 9).
- **Some progress has been made in relation to:**

- Monitoring the way officers stop and search people so supervisors can be satisfied their officers are acting in accordance with the law (Recommendations 2 and 3)
- Ensuring that relevant intelligence gleaned from stop and search encounters is gathered and analysed to assist the broader crime-fighting effort (Recommendation 6)
- Explaining to the public the way stop and search powers are used in their areas and making arrangements for stop and search records to be scrutinised by community representatives (Recommendation 7).
- **Good progress has been made in relation to:**
- Making better use of technology to record relevant information about stop and search encounters which complies with the law and reveals how effectively and fairly the power is being used (Recommendation 10).



In April 2014, the Home Secretary announced the Best Use of Stop and Search Scheme. The principal aims of the scheme are to achieve greater transparency, increase community involvement in the use of stop and 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.

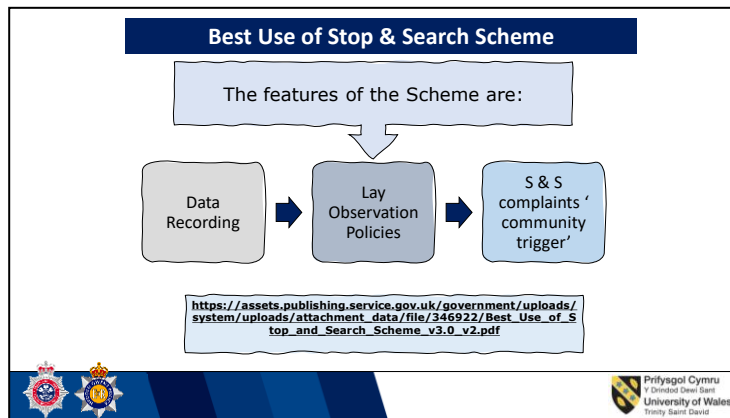
The scheme was officially launched in August 2014 with all forces providing an assurance that they would implement the scheme.



The podcast is delivered by Supt. Ian John (Dyfed-Powys) who was the Stop and Search Implementation Officer on secondment to College of Policing.

Although this podcast relates to another force, the principles that he talks about are the same for all Police Forces in the UK.

The podcast is in the folder – Stop and Search Podcast 5 mins 33 seconds



- Data Recording – forces will record the broader range of stop and search outcomes e.g. arrests, cautions, penalty notices for disorder and all other disposal types. Forces will also show the link, or lack of one, between the object of the search and its outcome.
- Lay observation policies – providing the opportunity for members of the local community to accompany police officers on patrol using stop and search.
- Stop and search complaints 'community trigger' – a local complaint policy requiring the police to explain to local community scrutiny groups how the powers are being used where there is a large volume of complaints.

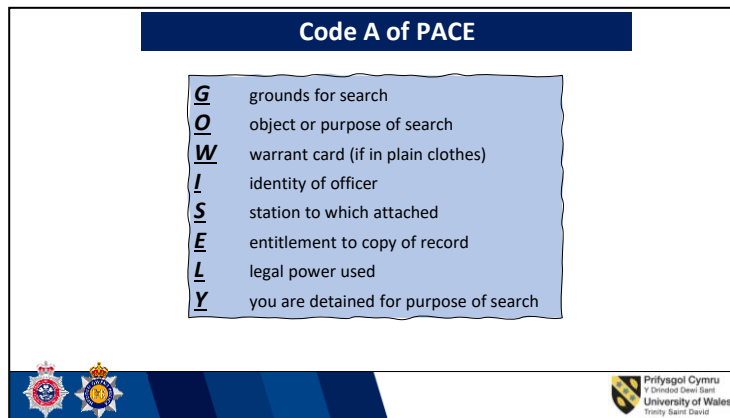
There is a document that describes the Best Use of Stop & Search Scheme:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/346922/Best_Use_of_Stop_and_Search_Scheme_v3.0_v2.pdf

This can be provided as a handout to the students or additional notes for the trainer.

The features of the Scheme are:

- Data Recording – forces will record the broader range of stop and search outcomes e.g. arrests, cautions, penalty notices for disorder and all other disposal types.
- Forces will also show the link, or lack of one, between the object of the search and its outcome.
- Lay observation policies – providing the opportunity for members of the local community to accompany police officers on patrol using stop and search.
- Stop and search complaints 'community trigger' – a local complaint policy requiring the police to explain to local community scrutiny groups how the powers are being used where there is a large volume of complaints.



QTS – what information do you think you need to provide someone with before you search them?

Before any search of a detained person or attended vehicle takes place the officer **must** communicate and give a **clear explanation** of this information **prior** to the search taking place, thus ensuring that the person understands what is happening and why

Grounds – A clear explanation of the grounds for the search. This must be made in ‘plain English.’ Recent reviews have highlighted that Officers at times are only referring to acts of legislation.

Object – A clear explanation of what the Officer is looking for. Eg “you are being detained so that you can be searched for drugs” or, “you are being detained to search for stolen items”

Warrant Card - Plain clothed officers, must show their warrant card or if requested

Identity - The Officers name and collar number

Station - The station to which they are attached

Entitlement - Entitlement to a copy of the search record

Legal Power - An explanation of the legal power being exercised

Your Detained - An instruction that they are detained for the search

This is a requirement of the Codes of Practice and if officers do not provide this information then they run the risk of being subject of misconduct proceedings and having evidence excluded – in this age of audio and video recording the police could easily lose evidence under S78 PACE (grounds on which a court can exclude any evidence that has been unfairly obtained)

When conducting the search in this manner, it is opportunity to ask the subject some further questions, this can assist in identifying any vulnerabilities of the subject – such as age, medical issues, are they part of a gang, peer pressure)

Depending on the information that is gained from the subject will differ to the responses given by the officer.

The officers must remember the duty of care to the individual.

Effect on the community

How officers carry out searching individuals, in particular when using their stop and search powers, has an important effect on community confidence. You must realise the damage that can be done to community relations by just one poorly executed stop and search. If officers are aggressive, rude or act outside of their legal authority, this can have a particularly negative effect which can extend into the wider community. It can also leave the individual officer and the police service open to public complaint and possibly civil and or criminal litigation. All stops and searches and premises searches must be carried out with courtesy, consideration and respect for the person concerned, which will encourage public confidence in the police. Every reasonable effort must be made to minimise the embarrassment that a person being searched may experience.

The importance of providing this information:

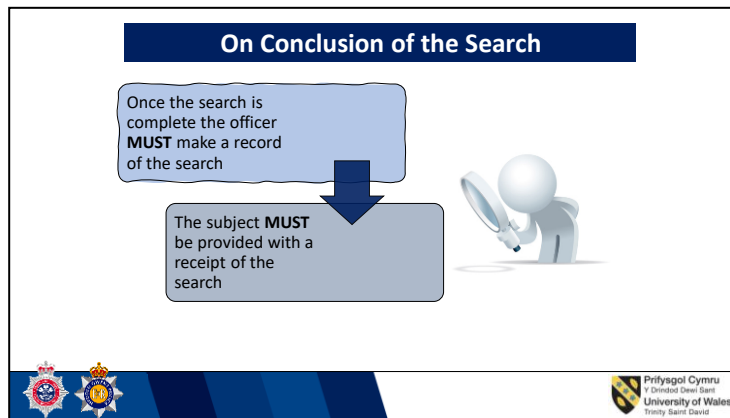
- It is important that police officers comply with all aspects of **GO WISELY** as any breach of the PACE would render a search (and probably any later arrest and detention) unlawful.
- Legislation identifies the information that must be given to a person during a search procedure.
- Failure to give this information is a breach of the legislation and would render a search (and probably any later arrest and detention) unlawful.
- The information provides an **explanation of the procedure** and **keeps the suspect informed** at all stages of the reasons/justification/grounds for the search, complying with the requirements of PACE
- Providing the relevant information in line with legislation, policies & guidelines ensures that people are dealt with in an **ethical manner** whilst recognising their needs with **respect to equality**, diversity and human rights.
- Where officers carry out a search of premises, they must, so far as is possible in the circumstances, explain to the occupier(s) the reason for it.

Remember – an unlawful search may constitute an assault and may also engage an individual's human rights (Right to liberty) as they will be detained for the purpose of the search.

For police officers, the exercise of powers such as stop and search, use of force and traffic stops is routine, whereas for the person being stopped, the experience can be embarrassing, intrusive and frightening. And those who experience repeated encounters with the police may develop concerns about bias and the targeting of certain communities or groups

People can feel frustrated, angry and confused when officers do not adequately explain the reasons for the interaction, or if the officer's behaviour is seen as confrontational or unprofessional. For Black, Asian and Minority Ethnic people, this can lead to them feeling that they have been racially profiled. This can quickly escalate into conflict, which is damaging not only to the confidence of those directly involved, but also to spectators and members of the wider community who witness or hear of the circumstances. The situation can be made worse if the officer uses force to gain compliance, for instance by applying handcuffs.

When judging interactions, people tend to focus on the quality of their interpersonal treatment.⁴² This means that communication skills – such as active listening, showing empathy, building rapport, using positive and supportive language, using de-escalation techniques, and explaining actions and decisions in a polite manner – are important to improve the quality of interactions between the police and the public. This in turn helps to build positive and respectful relationships and perceptions of police as legitimate. ⁴ (HMICFRS, Disproportionate use of police powers – A spotlight on stop and search and the use of force)



QTS – what do you need to do with the information you have collected in relation to the search?

Once a search has been completed the officer **will complete** a search record (unless exceptional circumstances would make this impracticable) and the person asked if they want a copy. If so then the subject will be given a copy of the search immediately or provided with a receipt that explains how they can obtain a copy.

For SWP Officers, the Stop Search encounter must be properly logged via Evidence.Com so that there is an audit trail for review.

If a record is not made at the time, the officer should inform the subject of their entitlement to a copy and application can be made within **3 months** at a given police station.

Illegible, incomplete or inaccurate search records may result in allegations of unlawful detention and unlawful searches. As there is an entitlement to a copy of the search record under PACE then you must make sure you complete the search records.

Code A PACE – Recording Requirements

Searches which do not result in an arrest:

4.1 When an officer carries out a search in the exercise of any power to which this Code applies and the search does not result in the person searched or person in charge of the vehicle searched being arrested and taken to a police station, **a record must be made of it, electronically or on paper, unless there are exceptional circumstances which make this wholly impracticable** (e.g. in situations involving public disorder or when the recording officer's presence is urgently required elsewhere). If a record is to be made, the officer carrying out the search must make the record on the spot unless this is not practicable, in which case, the officer must make the record as soon as practicable after the search is completed

4.2 If the record is made at the time, the person who has been searched or who is in charge of a vehicle that has been searched **must be asked if they want a copy and if they do, they must be given immediately**, either:

- a copy of the record, or
- a receipt which explains how they can obtain a copy of the full record or access to an electronic copy of the record

- ❑ you may not detain the person just to get their name and address – they are under no obligation to provide these details (Code A4.3a)
- ❑ there is no power to stop or detain a person in order to find grounds for a search (Code A 2.11)

Searches which result in an arrest

4.3 If a search in the exercise of any power to which Code A applies results in a person being arrested and taken to a police station, the officer carrying out the search is responsible for ensuring that a **record of the search is made as part of their custody record**. The custody officer must then ensure that the person is asked if they want a copy of the record and if they do, that they are given a copy as soon as practicable

***** Trainer to talk through the HO Stop and Search Form to students that was emailed to students prior to the session. They will have an opportunity to practice completing these forms following their stop & search practicals ensuring that they record the grounds sufficiently. Trainer to handout/email distribute 'HO- Gold Model Examples Reasonable Grounds' which provides some Gold Model examples of the explanation of reasonable grounds.*****

When Grounds to Search cease during a Search

It could be that information comes to light that places the reasonable grounds to suspect onto another person, or even cancels the original suspicions that a possible crime has or may have been committed. Explain this to the person, explain they are no longer being detained and thank them for their co-operation.







QTS – what should you do when your reasonable grounds to suspect cease to exist?

Grounds may also change as a result of the search, as well as the power under which you are conducting the search.

Examples:

You have reasonable grounds to suspect that a person in a public place is in possession of controlled drugs. You start to search them using stop and search powers under Section 23 Misuse of Drugs Act 1971. Whilst conducting the search you find a knife in the person's pocket. You have not yet found anything which you suspect is a controlled drug.

At this stage you caution the person and, having considered the arrest criteria, you decide it is necessary to arrest the person on suspicion of the offence of having an article with a blade or sharp point in a public place. The search under s.23 of the Misuse of Drugs Act 1971 would continue in full. However, if you have reasonable grounds to believe that the arrested person may present a danger to themselves or others, have concealed on them items to assist their escape or which might be evidence of an offence you now also have the power to search them under Section 32 PACE 1984.

Your legal authority may change because the person becomes uncooperative to the extent where they become violent and or abusive. Their behaviour may be such that they are committing one or more of a variety of offences, for example, public order, assault or obstructing a police officer. In such a situation you may find it necessary to arrest the person. Your search will now no longer be conducted using a stop search power; instead you will be using a post arrest power of search under Section 32 PACE 1984.

The suspected controlled drugs falls into both categories, i.e. the original purpose of your stop search and under your post arrest power to search as reasonable grounds to believe that the person has evidence of an offence on them. You may also decide that you have reasonable grounds to believe that they may have other weapons concealed on their person that could present a danger to themselves or others. It would be best practice at this stage to tell them the grounds for your search and what you are searching for if this has changed.

Code A PACE: Conduct of the Search			
Relevant	Length of time	Removing clothing J.O.G	Documentation
Cooperation	Same sex searches	Respect & courtesy	Minimise embarrassment
Public view	Place hands	Treat as individual	Aware of individual needs






QTS – How do we actually conduct a search?

Any search of a person is intrusive and could potentially cause the person discomfort and/or embarrassment. Every effort should be made to conduct the search as quickly as possible and in an ethical manner that protects the decency of the person.

If you need to go beyond [J.O.G.](#), this **MUST** be out of public view.

An alleyway or shop doorway is **NOT** acceptable.

Under s1 PACE officers cannot require the removal of a head or face covering in a public place (consider s60AA Criminal Justice and Public Order Act 1994)

Code A – Conduct of Search:

3.1 All stops and searches must be carried out with courtesy, consideration and respect for the person concerned. Every reasonable effort must be made to minimise the embarrassment that a person being searched may experience

3.3 The length of time for which a person or vehicle may be detained must be reasonable and kept to a minimum

3.4 The search must be carried out at or near the place where the person or vehicle was first detained

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 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)

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

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public view, for example, in a police van unless paragraph 3.7 (below) applies, or police station if there is one nearby (see Note 6 below)

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

3.7 Searches involving exposure of intimate parts of the body (strip search) 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) - Note: A search exposing intimate parts of the body is not the same as an 'intimate search.'

All persons searched are innocent until proven guilty by a court, therefore you must ensure that all persons are:

- treated with respect and courtesy
- so as to minimise embarrassment
- treated as an individual and
- be aware of individual needs.

All 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.

Search Young Persons

Communication - If children are present during a search appropriate communication should be used

Additional Resources - The presence of young people may affect the dynamics of the search requiring an officer to request assistance from their colleagues

Health and Safety - consider vulnerability of young persons during the search

Minimise embarrassment that a person being searched may experience.

Note 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 – for example, 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

Note 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 in public

It is legitimate for an officer of any sex to stop and search a person of any sex providing the search is in public and is restricted to a superficial examination of outer garments

Where there is doubt as to the sex of a person, the person will be asked what gender they consider themselves to be. They will then be treated by officers as their elected gender

*** Can I conduct a mouth search?**

Yes, **BUT NOT UNDER SECTION 1 PACE.**

before a mouth search takes place an officer must take reasonable steps to give the person to be searched information required under section 2 PACE which is contained in the mnemonic GOWISELY.

It is recognised there may be exceptional circumstances where it is not reasonable for the officer to go into a detailed explanation prior to the search, but the information must still be communicated. In those exceptional circumstances, as a minimum prior to the search the officer should communicate who they are, where they are from, what they are seeking to do and why. They should still give the full information required under section 2 PACE as soon as practicable.

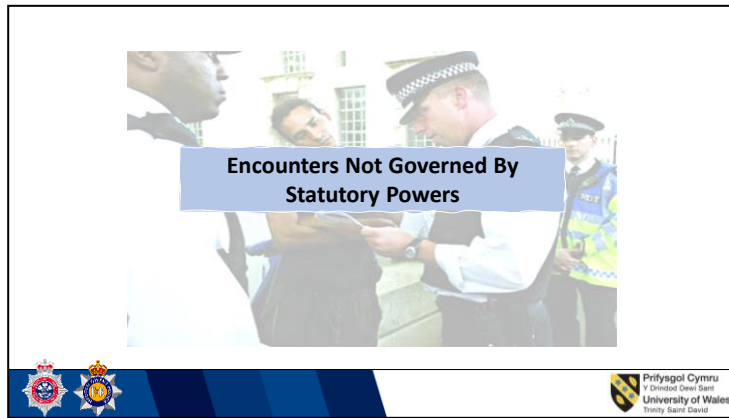
A search of the mouth after arrest is expressly authorised by **Section 32 of PACE** and it may be more suitable for an officer to use this power for mouth searches. Under Section 32(1) officers may search when they have reasonable grounds to believe that the arrested person may be a danger to themselves or others. There is also a power to search for evidence of an offence following an arrest under Section 32(2).

A person who is arrested and who is believed to have swallowed drugs should not be taken to a police station custody suite but should go straight to hospital -

The Criminal Justice toolkit sets out procedures for dealing with persons arrested who may have swallowed drugs or other items which could cause harm.

Health and safety should be a primary consideration when conducting searches of the mouth. The principles of "Use of Force" are central to all aspects of physical intervention and officers are reminded of the overriding factor that their actions must be lawful, proportionate, reasonable and necessary.

It is very important that officers who have conducted a mouth search, fully document their decision making process and actions. This should be recorded in the "Officer notes" section of the electronic record on the mobile device.



QTS – what do we need to record if we are just speaking to people but not searching them?

There will be occasions where you speak to an individual but do not carry out a search and whilst officers might take details for information / intelligence, there is no requirement for them to make a formal record of encounter under this act

Code A - Recording of Encounters Not Governed by Statutory Powers

4.12 There is no national requirement for an officer who requests a person in a public place to account for themselves - i.e. their actions, behaviour, presence in an area or possession of anything - to make any record of the encounter or to give the person a receipt

Note 22B - A person who is asked to account for themselves should, if they request, be given information about how they can report their dissatisfaction about how they have been treated

There is no power to detain a person in order to find grounds for a search, however officers do not need statutory instruments / powers to speak with people and, if during the course of such an encounter and, even though no grounds existed when the encounter began, reasonable grounds are established, then the subject may be detained and searched (Code A 2.11)



Students will break into six groups and be given a copy of all the scenarios – See handouts

After discussion, students will discuss their answers as a collective group and explain their decisions.

Trainer to debrief the answer's using the following 6 slides

Reasonable Grounds: Scenario 1

Intelligence is received from the control room regarding a recent stabbing. The victim describes the attacker as:

- *White*
- *Tall*
- *Long hair, black in colour*
- *Wearing a green jumper with a diamond shaped pattern on it, jeans and red trainers*

The stabbing took place **five minutes ago** and the suspect ran away in your direction carrying a knife. You see a man **totally fitting the description** hurrying towards you.



This is a relatively simple example. It satisfies the requirements of the question:

“Do I have specific intelligence including my own observations, which provides reasonable grounds for suspecting that this person at this time in these circumstances possesses a specific prohibited article, and there is a likelihood based on these suspicions that I will find the item I am looking for?” It may also be, of course, that an arrest would be justified.

On the slide, “specific intelligence” is shown in red. Therefore in “these circumstances” a stop is justified.

Reasonable Grounds: Scenario 2

Two officers are in uniform in a market.

One officer sees a man approach a stall selling mobile phones, take something from the stall and move away. He notifies his colleague and gives a description of the suspect. He did not see what was taken.

The second officer identifies the suspect and intercepts him two minutes after the event.





Although the object removed may not be of any value, e.g. it may be advertising material, there are reasonable grounds to at least stop the suspect and question him. If the object is innocuous he will probably reveal it. If he denies taking anything, the denial will add to the reasonable grounds.

Therefore in “**these circumstances**” a stop is justified.

Reasonable Grounds: Scenario 3

In a residential area at midnight, two officers see a man walk into the drive of a house and approach a side window. Taking something from his pocket he appears to be attempting to lever open a side window. The police start the car and drive it up to the house, and hearing the noise of the engine, the man replaces the object in his pocket and starts to walk away. When asked, he admits that he does not live in the house. He will not answer any further questions.



In this case, the specific intelligence is the officers' observations, allied to the fact that the suspect does not live at the premises concerned.

The requirements of time, person concerned and the circumstances concerned are also fulfilled.

Reasonable Grounds: Scenario 4

A group of youths are seen at a known drug dealing area. As the police officers approach one of the young men puts something into his pocket. There is police intelligence that another of the group is suspected of supplying drugs.







In this example there are no reasonable grounds to stop and search any of the group. Although there is intelligence against one of the group, there is no **specific** intelligence about him or any other member of the group at **this** time in **these** circumstances. The fact that someone puts something in his pocket is not grounds for a search

Ask who would search person #1 (person putting something in their pocket) and why, whilst teasing out from the class what grounds they are using.

The trainer should be mindful some officers may be using incorrect grounds such as the fact it's a known drug dealing area and that they are a group of youths, as opposed to the manner in which the person put the "something" in his pocket.

Encourage the class to consider talking to the youth first. Officers can ask people to explain their presence in the location, ask for names, how they know each other, observe body language etc.

NB:

Despite all these options, there may still be insufficient grounds to search Person #1 for drugs as the officer(s) may not have the grounds to show they had genuinely and objectively reasonable suspicion that they would find a prohibited article on that person and that time.

Remind the learners that the subject(s) could simply walk away and are not obliged to talk to the officers or remain unless reasonable grounds exist or an offence(s) have been committed. **This may result in an intelligence report at best on this individual and the others.**

Next ask the class to consider the grounds to search the person with intelligence suggesting they are supplying drugs (Person #2).

The trainer should expect officers to check the date and context of that intelligence before searching and that some officers will suggest that Person #1's actions, taken in conjunction with the intelligence about Person #2, may lead some officers to justify a search on both Person #1 and #2.

NB:

It is likely most officers will use the intelligence marker (if accurate and up to date) as sufficient grounds to search Person #2 following a series of questions to clarify name and identity etc.

Each officer may have a differing view as to the point at which, they think they have met their threshold for reasonably objective suspicion and this scenario is a good example

where the law does not provide a sufficiently clear steer as to when that may be.

Officers must consider the factors they **CAN** lawfully use to escalate from a stop and account to a stop and search (i.e. information or intelligence, behaviour they have witnessed, replies to questions etc.) and the factors they **CANNOT** use (such as known drug dealing area, the fact they are youths etc.).

If officers are happy they can articulate these reasonable grounds to the subject, record them clearly on the search record, could justify them to a supervisor, community scrutiny panel or court and apply them professionally and proportionately, then they may well apply their threshold at different stages from the rest of the class.

The trainer can widen the debate to ask which officers would search the remainder of the group other than persons #1 and #2 and of course why.

Reasonable Grounds: Scenario 5

At 12:30 at night a man is seen in a residential area. He has a previous conviction for burglary. When stopped and asked why he is in the area he says that he is on his way home but refuses to say where he's been other than that he was with a friend.





A previous conviction is not reasonable grounds for a search. There is no specific intelligence which provides reasonable grounds for suspecting that **this** man at **this** time in **these circumstances** possesses a specific prohibited article.

If the person walks away officers should be reminded that there are many basic patrol tactics they can use to ensure this person isn't committing crime even if they have no power to search e.g. Tell the person there is a police presence in the area, point out the CCTV, mention the neighbourhood watch, update colleagues about the stop and account etc. Too many times officers with no grounds feel they "are just letting someone get away by not searching them".

If they have no legal grounds then they have no power to search!

Reasonable Grounds: Scenario 6

Police pass a car with its windows open and there is a strong smell of cannabis coming from inside. There are three occupants of the vehicle. When questioned about the smell of cannabis one of the passengers produces a small amount of the drug. The other two people deny possession. The owner of the cannabis says, when questioned separately, that all three of them were at a party earlier where cannabis was being smoked.







As the information stands there are no grounds for searching the other occupants of the vehicle as there is no specific intelligence which provides reasonable grounds for suspecting that **either** person at **this** time in **these** circumstances possesses a specific prohibited article.

A smell of cannabis alone does **not** constitute reasonable grounds. The smell of cannabis, or anything else, does not mean that the item is present and stop and search is designed to find tangible items.

Again this is a scenario where officers may reach their threshold for reasonable grounds at slightly different stages.

The Authorised Professional Practice (APP) from the College says the smell of cannabis alone is insufficient grounds to search as the likelihood test in Code A of PACE is not made out i.e. Statistics from several forces show a very high percentage of stops conducted on the smell alone to be negative and therefore it is highly **unlikely** the item being searched for will be found.

At the time of writing this has not been incorporated into Code A of PACE or clarified by the Home Office but the NPCC lead on stop and search is encouraging forces to consider the impact of officers carrying out so many negative searches and the impact on the community who perceive this as an indicator that police are abusing their powers with no legitimate end due to having more negative results than positive (especially when it comes to drugs searches).

Some may decide to search the person who produces cannabis regardless of the small amount, as it would be seen as reasonable by most that the fact the subject had some drugs on them means there could well be more.

Some officers may feel that the additional information the subject in possession of cannabis gives officers, regarding the fact all 3 occupants were at a party together where cannabis was being smoked, may be sufficient information combined with the smell from the car and the already surrendered drugs to search all the occupants and the car and again this is likely to be reasonable in the circumstances.

Officers are encouraged to speak to each individual and ascertain if they have smoked drugs or have any in their possession, noting answers and behaviours before escalating to a stop search of the individuals or the car.

The trainer should expect the following to be raised as a question, or may raise it themselves once the original scenario has been debated.

The harder situation is where the car smells of cannabis and no occupant provides any explanation for the smell or they simply refuse to answer questions put to them. Armed with no specific intelligence or information there would be insufficient grounds (as laid out in the APP) to justify a search of the occupants or the vehicle.

Officers may decide to test the driver for drugged driving or arrest under S4 of the RTA for being unfit to drive through drink or drugs – all depending on the demeanour of the person or the result of any field impairment test. If the driver is found to be under the influence of a controlled drug this may add grounds which lead the officer to consider searching the car or the other occupants.

Other Search Powers

S60 CJPOA 1994 allows senior police officers to authorise constables to S&S persons in a specific area, either where a serious PO problem is likely to arise or has taken place, or for offensive weapons or dangerous instruments.

Constable in uniform may stop any pedestrian or any vehicle and make any search they think fit whether or not they have reasonable grounds for suspecting that the person or vehicle is carrying weapons or articles of that kind. Failing to submit to a search is an offence




QTS – In what circumstances do you think we could search people without reasonable suspicion?

Section 60 of the Criminal Justice and Public Order Act 1994. This gives officers time-limited powers to search any individuals in an area, without requiring reasonable grounds, in order to recover offensive weapons or dangerous instruments in anticipation of serious violence.

S60(1) of the Criminal Justice and Public Order Act 1994 allows a police officer of inspector rank or above to authorise the use of stop and search in a given geographical area for a specified time period. The authorising officer must reasonably believe that serious violence may take place, or that people are carrying offensive weapons, or that serious violence has occurred and a person in the area has a weapon that was used in the incident. Once granted, any person or vehicle can be stopped and searched for offensive weapons, without any grounds to suspect they are carrying such items. Such wide powers must be used only when necessary and in a proportionate manner.

60(1) If a police officer of or above the rank of Inspector reasonably believes -

(a) that incidents involving serious violence may take place in any locality in his police area, and that it is expedient to give an authorisation under this section to prevent their occurrence,

(aa) that -

(i) an incident involving serious violence has taken place in England and Wales in his police area;

(ii) a dangerous instrument or offensive weapon used in the incident is being carried in any locality in his police area by a person; and

(iii) it is expedient to give an authorisation under this section to find the instrument or weapon; or

(b) that persons are carrying dangerous instruments or offensive weapons in any locality in his police area without good reason,

he may give an authorisation that the powers conferred by this section are to be exercisable at any place within that locality for a specified period not exceeding 24 hours.

60(2) repealed

60(3) If it appears to an officer of or above the rank of Superintendent that it is expedient to do so, having regard to offences which have, or are reasonably suspected to have, been committed in connection with any activity falling within the authorisation, he may direct that the authorisation shall continue in being for a further 24 hours.

60(3A) If an Inspector gives an authorisation under subsection (1) he must, as soon as it is practicable to do so, cause an officer of or above the rank of Superintendent to be informed.

60(4) This section confers on any constable in uniform power -

(a) to stop any pedestrian and search him or anything carried by him for offensive weapons or dangerous instruments;

(b) to stop any vehicle and search the vehicle, its driver and any passenger for offensive weapons or dangerous instruments.

60(5) A constable may, in the exercise of the powers conferred by subsection (4), stop any person or vehicle and make any search he thinks fit whether or not he has any grounds for suspecting that the person or vehicle is carrying weapons or articles of that kind.

60(6) If in the course of a search under this section a constable discovers a dangerous instrument or an article which he has reasonable grounds for suspecting to be an offensive weapon, he may seize it.

60(7) This section applies (with the necessary modifications) to ships, aircraft and hovercraft as it applies to vehicles.

Other Search Powers

S60AA of the CJPOA 1994 provides power to require the removal of disguises at public order events where a S60 authorisation is in force or an authorisation is given under this section

60AA(2) confers power on any constable in uniform

- (a) to require any person to remove any item which the constable reasonably believes that person is wearing wholly or mainly for the purpose of concealing his identity
- (b) to seize the item which they reasonably believe any person intends to wear wholly or mainly for that purpose




Section 60AA of the Criminal Justice and Public Order Act 1994 provides powers to require the removal of disguises at public order events where a section 60 authorisation is in force or an authorisation is given under this section.

60AA(1) Where -

- (a) an authorisation under section 60 is for the time being in force in relation to any locality for any period, or
- (b) an authorisation under subsection (3) that the powers conferred by subsection (2) shall be exercisable at any place in a locality is in force for any period,

those powers shall be exercisable at any place in that locality at any time in that period.

60AA(2) This subsection confers power on any constable in uniform -

- (a) to require any person to remove any item which the constable reasonably believes that person is wearing wholly or mainly for the purpose of concealing his identity;
- (b) to seize any item which the constable reasonably believes any person intends to wear wholly or mainly for that purpose.

60AA(3) If a police officer of or above the rank of Inspector reasonably believes-

- (a) that activities may take place in any locality in his police area that are likely (if they take place) to involve the commission of offences, and
- (b) that it is expedient, in order to prevent or control the activities, to give an authorisation under this subsection,

he may give an authorisation that the powers conferred by this section shall be exercisable at any place within that locality for a specified period not exceeding

twenty-four hours.

60AA(4) If it appears to an officer of or above the rank of Superintendent that it is expedient to do so, having regard to offences which-

(a) have been committed in connection with the activities in respect of which the authorisation was given, or

(b) are reasonably suspected to have been so committed,

he may direct that the authorisation shall continue in force for a further twenty-four hours.

There is no power to stop and search for disguises. This power can only be used if an authorisation given under section 60 or under section 60AA of the Criminal Justice and Public Order Act 1994 is in force

Other Search Powers	
S47A Terrorism Act 2000 provides powers to S & S in a specified location if a senior police officer reasonably suspects that an act of terrorism will take place & reasonably considers that authorisation is necessary to prevent such an act, the area/place/ duration specified no greater than necessary	
47A(2) authorises any constable in uniform to stop a vehicle/ pedestrian in the specified area & to search the vehicle, driver, passengers, anything in or on the vehicle, driver or passengers. To search the pedestrian and anything carried by the pedestrian. No reasonable suspicion required once authorisation has been given	
	

S47A Terrorism Act 2002

Searches in specified areas or places

(1)A senior police officer may give an authorisation under subsection (2) or (3) in relation to a specified area or place if the officer—

(a)reasonably suspects that an act of terrorism will take place; and

(b)reasonably considers that—

(i)the authorisation is necessary to prevent such an act;

(ii)the specified area or place is no greater than is necessary to prevent such an act; and

(iii)the duration of the authorisation is no longer than is necessary to prevent such an act.

(2)An authorisation under this subsection authorises any constable in uniform to stop a vehicle in the specified area or place and to search—

(a)the vehicle;

(b)the driver of the vehicle;

(c)a passenger in the vehicle;

(d)anything in or on the vehicle or carried by the driver or a passenger.

(3)An authorisation under this subsection authorises any constable in uniform to stop a pedestrian in the specified area or place and to search—

(a)the pedestrian;

(b)anything carried by the pedestrian.

(4)A constable in uniform may exercise the power conferred by an authorisation under subsection (2) or (3) only for the purpose of discovering whether there is anything which may constitute evidence that the vehicle concerned is being used for the purposes of terrorism or (as the case may be) that the person concerned is a person falling within section 40(1)(b).

(5)But the power conferred by such an authorisation may be exercised whether or not the constable reasonably suspects that there is such evidence.

(6)A constable may seize and retain anything which the constable—

(a) discovers in the course of a search under such an authorisation; and

(b) reasonably suspects may constitute evidence that the vehicle concerned is being used for the purposes of terrorism or (as the case may be) that the person concerned is a person falling within section 40(1)(b).

(7) Schedule 6B (which makes supplementary provision about authorisations under this section) has effect.

(8) In this section—

- “driver” has the meaning given by section 43A(5);

- “senior police officer” has the same meaning as in Schedule 6B (see paragraph 14(1) and (2) of that Schedule);

- A senior police officer can give an authorisation to allow the stop and search of vehicles (including drivers of vehicles, passengers and anything found in or on a vehicle) and pedestrians (including anything carried by a pedestrian), to search for anything that may constitute evidence that a person is a terrorist, or the vehicle is being used for the purposes of terrorism. A constable in uniform may exercise the powers, once authorised, regardless of whether he has a reasonable suspicion that he will find such evidence in the course of a search.

Serious Violence Reduction Orders (SVROs)		
2 year pilot from 19 th April 2023 (Merseyside, Sussex, Thames Valley & West Midlands)	Civil order provides police power to S&S a person in a public place and to detain them for a search if they are subject to a SVRO	To ascertain if they have a bladed article or offensive weapon with them which can be seized
The civil orders can only be issued in the 4 Force pilot areas	However, the S & S powers are available to all Constables across England & Wales	




The Government will be launching the Serious Violence Reduction Orders (SVROs) pilot on 19th April 2023 under the Police, Crime, Sentencing and Courts Act 2022

➤ What are SVROs?

An SVRO is a civil order placed on an offender by the court who has been convicted of an offence where a bladed article or offensive weapon was used or was present. The order provides the police with the power to stop and search a person subject to an SVRO, to ascertain if they have a bladed article or offensive weapon with them and to detain them for the purpose of carrying out that search, provided that person is in a public place. It also permits the police to seize any items found in the search which they reasonably suspect to be a bladed article or offensive weapon.

➤ Why are they being piloted?

To test the effectiveness of SVROs, they are being piloted in four police force areas: Merseyside, Sussex, Thames Valley and West Midlands. However, all forces across England and Wales will be able to enforce the orders. The orders will only be issued in the four pilot police force areas, but the stop and search powers are available to all constables across England and Wales. The two-year pilot is being independently evaluated to understand what impact SVROs have on reoffending rates and serious violent crime before a decision is made on whether SVROs are rolled out nationally.

The SVRO pilot provides police officers across England and Wales the ability to stop and search an individual with an SVRO as a tool to tackle the habitual carrying of weapons by a number of offenders. Targeted use of stop and search, as part of a wider approach to intervene and supervise offenders and encourage their desistance from crime, aims to help safeguard people - including the offender - in those neighbourhoods most at risk. The core aim of the SVRO is to enable officers to stop and search the offender to establish whether they have a bladed article or offensive weapon in their possession.

Other Search Powers - Intimate

PACE Code C ANNEX A - INTIMATE AND STRIP SEARCHES
 An intimate search consists of the physical examination of a person's body orifices other than the mouth.

Authorised by Inspector or above who has reasonable grounds for believing that the person may have concealed on themselves:
 (i) anything which they could and might use to cause physical injury to themselves or others at the station; or
 (ii) a Class A drug which they intended to supply to another or to export; and the officer has reasonable grounds for believing that an intimate search is the only means of removing those items

Can only be carried out by a FM unless an officer of at least Inspector considers this not practicable.






PACE Code C section, annexe A, page 71 - INTIMATE AND STRIP SEARCHES

What is a Intimate search?

1. An intimate search consists of the physical examination of a person's body orifices other than the mouth. The intrusive nature of such searches means the actual and potential risks associated with intimate searches must never be underestimated.

Who can authorise?

Inspector or above

When can it be done?

2. Body orifices other than the mouth may be searched only:

(a) if authorised by an officer of inspector rank or above who has reasonable grounds for believing that the person may have concealed on themselves:

(i) anything which they could and might use to cause physical injury to themselves or others at the station; or

(ii) a Class A drug which they intended to supply to another or to export; and the officer has reasonable grounds for believing that an intimate search is the only means of removing those items; and

(b) if the search is under paragraph 2(a)(ii) (a drug offence search), the detainee's appropriate consent has been given in writing.

2A. Before the search begins, a police officer or designated detention officer, must tell the detainee:-

(a) that the authority to carry out the search has been given;

(b) the grounds for giving the authorisation and for believing that the article cannot be removed without an intimate search.

2B. Before a detainee is asked to give appropriate consent to a search under paragraph 2(a)(ii)

(a drug offence search) they must be warned that if they refuse without good cause their refusal may harm their case if it comes to trial, see Note A6. This warning may be given by a police officer or member of police staff. In the case of a juvenile or a vulnerable person, the seeking and giving of consent must take place in the presence of the appropriate adult. A juvenile's consent is only valid if their parent's or guardian's consent is also obtained unless the juvenile is under 14, when their parent's or guardian's consent is sufficient in its own right. A detainee who is not legally represented must be reminded of their entitlement to have free legal advice, see Code C, paragraph 6.5, and the reminder noted in the custody record.

Who can carry out a Intimate Search?

3. An intimate search may only be carried out by a registered medical practitioner or registered nurse, unless an officer of at least inspector rank considers this is not practicable and the search is to take place under paragraph 2(a)(i), in which case a police officer may carry out the search. See Notes A1 to A5.

3A. Any proposal for a search under paragraph 2(a)(i) to be carried out by someone other than a registered medical practitioner or registered nurse must only be considered as a last resort and when the authorising officer is satisfied the risks associated with allowing the item to remain with the detainee outweigh the risks associated with removing it. See Notes A1 to A5.

Where can it be carried out?

4. An intimate search under:

- paragraph 2(a)(i) may take place only at a hospital, surgery, other medical premises or police station;
- paragraph 2(a)(ii) may take place only at a hospital, surgery or other medical premises and must be carried out by a registered medical practitioner or a registered nurse.

Can we search Juveniles and Vulnerable persons?

5. An intimate search at a police station of a juvenile or vulnerable person may take place only in the presence of an appropriate adult of the same sex (see Annex L), unless the detainee specifically requests a particular appropriate adult of the opposite sex who is readily available. In the case of a juvenile, the search may take place in the absence of the appropriate adult only if the juvenile signifies in the presence of the appropriate adult they do Codes of practice – Code C Detention, treatment and questioning of persons by police officers not want the appropriate adult present during the search and the appropriate adult agrees. A record shall be made of the juvenile's decision and signed by the appropriate adult.

Are there any rules / policies when Police Officers Search?

6. When an intimate search under paragraph 2(a)(i) is carried out by a police officer, the officer must be of the same sex as the detainee (see Annex L). A minimum of two people, other than the detainee, must be present during the search. Subject to paragraph 5, no person of the opposite sex who is not a medical practitioner or nurse shall be present, nor shall anyone whose presence is unnecessary. The search shall be conducted with proper regard to the dignity, sensitivity and vulnerability of the detainee including in particular, their health, hygiene and welfare needs to which paragraphs 9.3A and 9.3B apply.

What documentation is there?

(b) Documentation

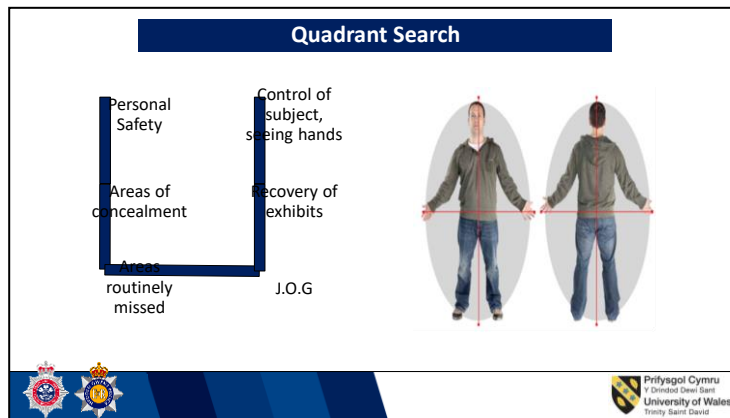
7. In the case of an intimate search, the following shall be recorded as soon as practicable in the detainee's custody record:

(a) for searches under paragraphs 2(a)(i) and (ii);

- the authorisation to carry out the search;
- the grounds for giving the authorisation;
- the grounds for believing the article could not be removed without an intimate search;
- which parts of the detainee's body were searched;
- who carried out the search;
- who was present;
- the result.

(b) for searches under paragraph 2(a)(ii):

- the giving of the warning required by paragraph 2B;
- the fact that the appropriate consent was given or (as the case may be) refused, and if refused, the reason given for the refusal (if any).



Introduce the subject and explain the concept of the quadrant search i.e. splitting the subject into quarters, front and back.

Ask the students why would they search a subject i.e. what are they looking for?

T – Tamper with evidence

I – Injure themselves/you/another

E – Escape

Demonstrate an effective quadrant search, emphasizing:

Personal safety i.e. gloves

Control of subject i.e. would they handcuff?

Areas of concealment.

Not putting hands where you cannot see.

Recovery of exhibits i.e. where to stowe.

Areas routinely missed i.e. ankle area of socks, waistband.

JOG i.e. removal of Jacket, Outer Clothing and Gloves.

MOUTH SEARCHES.

EDIP mouth search, consider safety of officers carrying out this search, consider Duty of Care to officers and subject.

Officers to be extremely mindful of the injury potential on themselves when placing hands, fingers, objects into the subject's mouth. Also the danger to the subject and the risk of pushing the item further into the subject's throat. **JPLANE**

If the matter becomes a life threatening situation, the subject must be treated as a medical emergency and evacuated to hospital.

All officers have a duty of care towards all those they interact with appropriate first aid techniques for a choking subject must then be followed.

PRONE SEARCHING

EDIP prone searching, consider safety of officers carrying out this search, consider Duty of Care to officers and subject.

Students will have covered this in OST but Trainer to refresh if necessary. Student pair up and practice a quadrant search.

*******Gwent Trainers to direct their students to the following link which provides a summary of stop and search which must be completed by the Gwent students. It will take approximately 20 minutes to complete.*******

https://rise.articulate.com/share/M8ymB8h_CjzLddUuWQXZoNYQAogFsSm-

*******SWP students should be directed by the Trainer to watch the watch the 6 videos (which take less than 17 minutes to complete) as they provide a useful summary.*******



Trainer to show the class how to complete a physical search in the classroom.

Females/male searches and their differences shown and explained