

DRAFT

STOP AND SEARCH DRAFT MANUAL

PUBLIC CONSULTATION

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Ministerial Foreword

Stop and Search continues to be a high profile feature of policing. Used in an intelligence-led way it can be extremely valuable in the fight against crime and terrorism. Used fairly it is key to the development of good relationships between police and communities. Used inappropriately it is ineffective and damages the police relations with the community.

The Stop and Search Action Team (SSAT) was set up last July to help make sure that the police use the stop and search power fairly and as effectively possible to prevent and detect crime. Specifically SSAT was tasked to put in place measures to increase the confidence that the BME community has in the way the police use the power and reduce its disproportionate use against them.

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

It is not just the police service that has a responsibility to make proper use of powers of stop and search. Police authorities have a key role to engage communities in publicising the benefits of stop and search and where there is evidence of disproportionate use explore why and what can be done to remedy misuse. Recommendations 62 and 63 of the Stephen Lawrence Inquiry Report make very clear the roles of police authorities in this area.

There is still work to be done and progress to be made. Disproportionate use is evident from the annual publication of section 95 statistics. Communities are concerned about this and rightly so.

This draft Manual is the culmination of much of the SSAT work programme, building on guidance already issued as well as identifying good practice. Its purpose is to set out for the benefit of police forces, police authorities and communities:

- the powers of stop and search which are available to the police and how they should be exercised ;
- the responsibility to record stops and give a record to the person stopped as from 1 April 2005. This is about accountability not bureaucracy and should not be a long drawn out process;
- concerns surrounding disproportionate use against black and minority ethnic communities and what can be done to address this;
- research and good practice findings;
- plans to monitor police use of powers as part of the Police Performance Assessment Framework.

We have decided that the Manual should be the subject of public consultation in order to provide the opportunity for the wider community, as well as police authorities and police officers, to comment on its content and value.

We encourage you all to comment on this draft so that the final version to be published at the end of March can be informed by operational and personal experience.

Hazel Blears

Baroness Scotland

Recommendations

I POLICE AUTHORITIES should ensure that:

- 1 Policy
 - 1.1 one police authority member has responsibility for stop and search issues, to mirror arrangements for an ACPO officer.
 - 1.2 they implement the action plan contained in the APA report “Lawrence Recommendation 61 – the recording of police stops”.
 - 1.3 they consult with the local community on the force’s policy on stop and search
 - 1.4 they agree with the chief officer on measures of effectiveness of the use of stop and search.
 - 1.5 they introduce a ‘feed back’ mechanism after an encounter, such as a dedicated contact number that could also receive text messages.
2. Supervision/Monitoring
 - 2.1 that the member with responsibility for stop and search regularly (on a quarterly basis) monitors the force’s stop and search data across all legislation and reports any significant changes to the full Authority
 - 2.2 the members use the stop and search data to question and challenge the chief officer on the use of stop and search and in particular on levels of disproportionality.
 - 2.3 they have systems in place to hold forces to account for inappropriate or discriminatory use of the power.
 - 2.4 if it is found through the investigation of complaints that their force was using the power inappropriately or in a discriminatory fashion, they have systems in place to hold the force to account.
3. Community
 - 3.1 they act as the ‘bridge’ between the police force and the full range of the diverse communities they serve
 - 3.2 summary records of stop and search activity are available for scrutiny by members of the community and widely publicised
 - 3.3 communities are consulted in the police use of the power and receive feedback on the results of the consultation.
 - 3.4 local communities understand local implications of section 95 figures
 - 3.5 authorities should continue to publicise people's rights in relation to S&S (including 4.2)
4. Training
 - 4.1 police training on stop and search covers the concerns of the local communities.

II CHIEF CONSTABLES should ensure that:

- 1 Policy
 - 1.1 there is a clear written policy on the use of stop and search that is communicated to all officers and civilian staff and that is reviewed annually
 - 1.2 the policy is readily available to the public and is publicised

- 1.3 to outline the range of actions that could be taken against officers consistently use stop and search powers with no sound reason and these are outlined in the policy
2. Operation
 - 2.1 front line officers are using stop and search in line with PACE, force policy, force intelligence, tasking meetings and briefings as well as other relevant legislation such as the Human Rights Act 1998.
3. Supervision/Monitoring
 - 3.1 there is a named ACPO lead for stop and search
 - 3.2 they are able to explain to local communities the reasons for disproportionality within their force
4. Community
 - 4.1 a summary of all stop and search records are available to members of the public
 - 4.2 Section 95 figures are put into a local context for the local community;
 - 4.3 local communities are encouraged to participate in developing force stop and search policies, consultations, scrutiny, and training.
5. Training
 - 5.1 all officers are adequately trained in stop and search (see Manual for more information).

III BCU COMMANDERS should ensure that:

1. Policy
 - 1.1 force policy is communicated and fully understood by all officers working within their area of command.
2. Operation
 - 2.1 tasking meetings are used to direct the use of stop and search against local problems and priorities in accordance with National Intelligence Model
 - 2.2 there is a strong linkage between tasking and briefing meetings through management checks
 - 2.3 all staff, including specialist staff, are fully conversant with current briefing materials, force intelligence, tasking meetings, briefings as well as with the force stop and search policy and PACE
 - 2.4 the use of stop and search is used effectively; this could be done in liaison with the Operations managers by setting joint objectives and linking stop and search directly to tackling local crime problems
 - 2.5 facilities are available for effective briefing, for example, computer monitors for displaying intelligence information.
 - 2.6 BCU Commanders ensure tasking process free from racial discrimination, stereotyping or profiling not based on intelligence
3. Supervision/Monitoring
 - 3.1 stop and search activity is monitored to ensure that it is informed by intelligence from tasking meetings and in line with force policy, by

- occasionally attending briefing meetings and observing front line officers on duty
- 3.2 the patterns of use of stop and search within their area of command is monitored to ensure power is exercised in accordance with PACE.
 - 3.3 they set up systems that will produce regular analysed data on the level of disproportionality against particular powers and provide this data to the Chief Constable and Police Authorities
 - 3.4 any disproportionate use of the powers by particular officers or groups of officers is identified and followed by face-to-face enquiries with such officers to address any possible discrimination or other inappropriate behaviour.
4. Community
 - 4.1 there is agreement with the local communities on what the priorities and measures of effectiveness of stop and search should be
 - 4.2 communities are informed (where time constraints allow) when and why they intend to use stop and search to deal with sensitive policing issues
 - 4.3 feedback is given to local communities following extensive use of stop and search, for example, using s60 and s44.
 5. Training
 - 5.1 all operational officers receive adequate stop and search training, particularly on their legal and procedural powers
 - 5.2 all supervisors receive training on how to conduct briefings
 - 5.3 all crime analysts/members of the BCU intelligence unit have had adequate training.

IV FIRST LINE SUPERVISORS (Sergeants) should ensure that:

1. Policy
 - 1.1 they are aware of and fully understand the force policy on stop and search
 - 1.2 all officers working within their command are aware of and fully understand the force policy on stop and search
2. Operation
 - 2.1 front line officers are using stop and search in line with force intelligence and briefings as well as with force policy and PACE.
 - 2.2 briefing is in line with local tasking priorities
 - 2.3 they are satisfied that front line officers have fully understood the daily briefing, by debriefing when time permits.
3. Supervision/Monitoring
 - 3.1 every stop and search record/form that is submitted is examined and any anomalies are dealt with appropriately
 - 3.2 they satisfy themselves that records are completed for all stops and stop and searches conducted, to avoid under recording
 - 3.3 the stop and search activity of each officer within their command is monitored for any inappropriate behaviour such as discrimination, stereotyping or inappropriate generalisations that might affect the use

of the power. They should also ensure that any inappropriate behaviour is challenged and dealt with accordingly.

- 3.4 emphasis is put on the quality of stops and stop and search interactions and not the quantity.
- 3.5 they monitor any public complaints or comments concerning any officers within their command with regards to stop and search and provide feedback to officers on the results of the complaints/comments.

4. Community

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

5. Training

- 5.1 they refresh their own knowledge on stop and search and are fully up to date on their training on stop and search, in particular on their supervisory and monitoring responsibilities.
- 5.2 all officers in their command have undertaken stop and search training

V CONSTABLES should ensure that:

1. Policy

- 1.1 they are aware of and fully understand the force policy on stop and search

2. Operation

- 2.1 when conducting stops and stop and searches they are fully compliant with the daily briefing, the force policy and PACE– REMEMBER GOWISELY.
- 2.2 where the activity is aimed at deterrence (i.e section 60; section 44) that it is carried out within the parameters of the authority
- 2.3 they submit an accurate record for every stop and search to their first-line supervisor
- 2.4 they have fully understood the daily briefing and that stop and searches are carried out in line with intelligence and direction falling out of that briefing.
- 2.5 they input intelligence logs resulting from stop and searches in a timely fashion
- 2.6 they feedback to BCU Intelligence Unit regarding briefing materials/presentations and intelligence products, specifically on how useful they found them.

3. Supervision/Monitoring

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

4. Community

4.1 they are fully aware of the impact that stop and search has on the community

5. Training

5.1 they have undertaken stop and search training and that they have fully understood it

VI BCU INTELLIGENCE TEAM should ensure that:

1. Policy

1.1 they are aware of and fully understand the force policy on stop and search

2. Operation

2.1 all intelligence should be evaluated and risk assessed for racial bias and there is no racial discrimination when identifying prolific offenders, targeted individuals and hot spot areas

2.2 they analyse the use of stop and search. Specifically in relation to:

3. identified hot spots
4. targeted offenders
5. targeted offences
6. alternative strategies

VII FORCE COMMAND AND CONTROL TEAMS should ensure that:

1. Policy

1.1 team members are aware and fully understand the force policy on stop and search

2. Operation

2.1 information from the public is verified, as best as possible before it is passed on to operational officers

2.2 protocols are developed for obtaining and using suspect descriptions in a way which maximises their reliability. This will also have training implications for call handling staff, and more widely for improving the way in which interactions with victims and witnesses are handled by police officers and call-handlers.

2.3 they carry out some level of command and control in deploying operational officers, rather than just acting as messengers, specifically in relation to section 60 and section 44.

2.4 reports of stops and stop and searches are recorded on their systems with the results.

VIII HEAD OF FORCE TRAINING DEPARTMENTS should ensure that:

1. Policy

1.1 force policy on stop and search is embedded in any stop and search training that is undertaken by staff.

1.2 PACE Codes of Practice is available forcewide

2. Operation

2.1 training courses on stop and search suitable for all police ranks are available, including monitoring and supervision training.

2.2 all staff is actively made aware of training courses available

3. Supervision/Monitoring

3.1 there are systems in place to monitor and evaluate the effectiveness of all stop and search training

3.2 all staff has the opportunity to feedback on any stop and search training received, and that this is taken on board on developing further stop and search training.

4. Community & 5. Training

4.1 the community has the opportunity to be involved in stop and search training

4.2 stop and search training includes a definition of disproportionality and its impact on community confidence

IX FORCE CORPORATE COMMUNICATIONS TEAMS should ensure that:

1. Operation

1.1 operational use of stop and search powers is proactively reported in the media

X COMMUNITIES should ensure that:

- they examine and scrutinise the stop and search data by their Police Authority; Force and Basic Command Unit and hold BCU Commander to account for the results achieved from the use of stop and search.
- they assist their force in gaining a greater understanding of community issues, young people in particular need to be encouraged to take a more active role in local discussions on stop and search
- they make a complaint if they witness or are subjected to inappropriate behaviour by the police when they are carrying out stop and search (see complaints section in Manual).

XI LOCAL CRIMINAL JUSTICE BOARDS should ensure that:

1. Policy

1.1 a Local Criminal Justice Board statement on the stop and search policy for their area is published

2. Supervision/Monitoring

2.1 it includes on its agenda an item of exceptional reporting of a significant change in the level of disproportionality in the police use of the power

3. Community

3.1 the community is consulted with to ascertain impact of stop and search on community confidence in the criminal justice system.

XII INDEPENDENT POLICE COMPLAINTS COMMISSION should ensure that:

1. Policy
 - 1.1 each region has a lead, who monitors stop and search complaints
2. Operation
 - 2.1 the public are informed of their rights to complain about the inappropriate use of stop and search and how complaints can be made, including 3rd party reporting
 - 2.2 where appropriate practitioners should be given constructive feedback on complaints arising from the use of stop and search
3. Community
 - 3.1 communities receive feedback on level of complaints on stop and search within each force

XIII STOP AND SEARCH ACTION TEAM should ensure that:

1. Policy
 - 1.1 government policies on stop and search are fully explained, specifically when they are seen to target certain community groups.
 - 1.2 the community has the opportunity to inform the content of any guidance that it publishes
 - 1.3 they develop further guidance on 'reasonable suspicion' in the context of stop and search
 - 1.4 they offer advice/consultancy service on effective use of the power, force policy and training programmes.

Introduction

The Government wholly supports the stop and search power and believes it to be an extremely important tool in the prevention and detection of crime when used in a targeted and intelligence-led way.

Stop and search is nevertheless a contentious area of police activity. It is a major cause of tension between Black and Minority Ethnic communities and the police service, and it may have a wider effect on community relations. Figures published under section 95 of the Criminal Justice Act 1991 have consistently shown that Black and Asian people are significantly more likely to be stopped and searched than white people (this difference is known as 'disproportionality').

Two Home Office ministers are currently responsible for stop and search:

- Hazel Blears, Minister of State for Crime Reduction, Policing and Community Safety; and
- Baroness Scotland, Minister of State for the Criminal Justice System and Law Reform.

Both ministers believe that disproportionality is too high so further work was commissioned on the instruction of ministers who were concerned about disproportionality, and the need to reduce it.

As a result the Stop and Search Action Team (SSAT) was launched in July 2004 to carry out this work. SSAT aims to make sure that police forces use the stop and search power fairly and effectively as possible to prevent and detect crime. Specifically, SSAT aims to increase the confidence that the Black and Minority Ethnic community have in the way the police use this power, and reduce disproportionality.

The SSAT includes members from the Police Leadership and Powers Unit, Research, Development and Statistics (RDS), Terrorism and Protection Unit, as well as members from the cross-government Criminal Justice System Race Unit.

SSAT Work programme

SSAT designed its work programme to:

- bring together good practice; and
- develop a way of helping forces to increase community confidence.

The SSAT work programme includes the following three strands:

- Hands-on good practice support (Practice-orientated package);
- Research;
- Comprehensive guidance

- **Hands on good practice support (Practice Orientated Package)**

This involved in-depth work with a number of forces to support them in improving their practices, and is detailed in Chapter 3.

- **Research**

Ongoing research by RDS looks at the targeting of stop and search in order to throw light on its effectiveness and what factors contribute to disproportionality. The research focuses on three primary issues:

- *The geographic targeting of searches* – to understand where searches are carried out by officers and how this relates to, and impacts on, crime hotspots and patterns of frontline policing.
- *The use of intelligence in determining who is searched* – to compare the profile of people searched against the profile of suspects based on intelligence.
- *Community engagement* – to identify good practice in how police and police authorities can actively engage local communities over the use of stops and searches.

RDS is working with external contractors to take forward this study. The SSAT has been overseeing this work programme, along with community stakeholders, for example representatives from minority ethnic communities. Findings from the study will be reported at the end of 2005.

Building on the earlier RDS evaluations, SSAT has also commissioned ongoing consultancy work from the London School of Economics to identify emerging good practice in the recording of stops to monitor the implementation process and help forces take forward the provisions.

- **Comprehensive guidance**

SSAT has combined work carried out on Recommendation 61 of the SLIR (Recording of 'Stops' Implementation Guide) with its wider work on stop and search. This manual takes account of all the available information from the SSAT work programme, and aims to help forces tackle disproportionality, and ensure effective use of the power.

Governance

Both Hazel Blears and Baroness Scotland (who report progress to the Lawrence Steering Group and the National Criminal Justice Board respectively) oversee SSAT's work.

A Delivery Board (for a list of members see page 96) co-chaired by Doreen Lawrence and Jim Nicholson (Chair of SSAT) ensures that SSAT delivers against its work programme, as well as providing expert and professional advice.

In order to benefit as much as possible from the input of communities a Community Panel (for a list of members see page 97) chaired by Lord Adebawale has been formed which is made up exclusively of independent members. The Community Panel provides advice to SSAT and the Delivery Board on the race and community impact of the SSAT work programme, and acts as a scrutiny panel for the work of SSAT.

Chapter 1

Powers of Stop and Search

This chapter is intended to reinforce police officers' understanding of the relevant powers, and raise awareness of them within communities.

1.1 The Stephen Lawrence Inquiry Report (SLIR) highlighted the effect of stop and search on police community and race relations. The Report made a number of recommendations, designed to ensure the powers were exercised in a way which would be as effective as possible in reducing crime, but which would also promote trust and confidence in minority ethnic communities. Recommendations 60-63 of the SLIR relate to stop and search, and stated:

- That the current powers of stop and search are required for the prevention and detection of crime and should remain unchanged;
- A record should be made by police officers of all stops and searches made under any legislative provision, not just under PACE. Non-statutory or so called voluntary stops should also be recorded. The record should include the reason for the stop, the outcome, and the self-defined ethnicity of the person stopped. A copy of the record should be given to that person;
- These records should be monitored by police services and police authorities and reviewed by HMIC on inspections, with the information and analysis being published;
- Police Authorities should be obliged to undertake publicity campaigns to ensure that the public is aware of stop and search provisions and their right to receive a record in all circumstances.

1.2 The Police and Criminal Evidence (PACE) Codes of Practice, in particular Code A, (**attached at Annex A**) governs how police exercise their statutory powers of stop and search. Revised Codes came into force on 1 August 2004, copies of which are accessible at police stations. The new Codes incorporated section 1 of the Criminal Justice Act 2003, which extended powers to cover items intended for or used in acts of criminal damage, and gave effect to recommendation 61 of the Lawrence Steering Group Recommendations, the recording of stops.

The recording of stops

1.3 The recording of stops has been the subject of pilots and evaluation since 1999.¹ The Association of Police Authorities (APA) also ran a major public consultation that showed public support for the measure. In September 2002, the Home Secretary announced that there would be a phased implementation of the recording of stops in selected sites across the country to assess the best way forward in terms of information recording, collation, and analysis. Summary findings from the evaluation are set out below.

Summary findings: the phased implementation of recording stops²

Planning and preparation

- Project managers and steering groups were important in setting up implementation. The latter worked well when they involved those responsible for delivery, included police authority and independent members and used strong project management principles.
- Designing new stop forms was a balancing act between being clearly laid out, written in plain English, easy to carry and complete, and the need to include extra information.
- The training of officers was the biggest challenge for the sites, although this was carried out to tight timescales and was thought to have achieved its objective. Most officers were satisfied.
- Not all training covered officers' attitudes and behaviour, the most important issue for the public.
- The implementation of IT changes relied on agreeing clear objectives and establishing flexible working relations with the contractor. Field testing and ongoing development work was also needed.
- Publicity varied between sites, but appeared to influence public awareness. Those in Hackney, where publicity was most extensive, appeared to be most aware of the recording requirement.
- Costs were predominantly incurred during the start-up period, and as a result of officer training. There were also cost implications for implementing IT changes.

Officers' recording practices

- Officers' views on recording were mixed, although most were pragmatic and getting on with it.
- They generally had a good understanding of the stop definition, although

¹ See: Bland, et al (2000) *Upping the PACE?*; and Quinton and Olagundoye (2004) *An Evaluation of the Phased Implementation of the Recording of Stops*.

² Quinton and Olagundoye (2004) *An Evaluation of the Phased Implementation of the Recording of Stops*.

were much less sure about the exceptions to recording.

- In practice, most said they used their common-sense to decide whether it was manageable for them to complete a record.
- Recordable stops were observed fairly infrequently (one every 2.2 hours). Most stop interactions lasted ten minutes or less.
- The observations revealed considerable under-recording of stops during the first few months.
- Under-recording was related to difficulties in recognising when to apply the stop definition, the brevity of some encounters, and selective recording.
- The process of completing a stop record was commonly thought to be straightforward.
- A range of practical issues was raised by officers about the stop forms particularly in terms of their size, layout and the writing surface.
- Officers using the hand-held computers were generally happy. Some technical problems were encountered and a few officers were not comfortable with equipment reverting to pen and paper.
- The self-defined ethnicity question did not cause great difficulties, although it did cause anxiety to a minority of officers. The question was, however, sometimes asked in a leading way.
- Recording was not generally seen by officers to cause a problem for the public.
- Amongst those stopped, there was widespread support for the recording of stops (once explained). Recording was, however, secondary to officers' attitudes and behaviour.
- Many of those stopped pointed to monitoring and accountability as important reasons for the requirement, although mechanisms for effective monitoring was under-developed in some sites.

Impact on police practices

- The recording of stops had no adverse effect on crime or the number of searches carried out.
- The observations showed that encounters with the public went fairly smoothly. Officers were seen generally to be formal or friendly in their dealing with the public.
- The vast majority of stops resulted in no further action being taken.
- Where data were available, disproportionality was lower for stops than for searches. However, people from particular minority ethnic groups were, in some cases, disproportionately stopped.

1.4 'A recording of 'stops' Implementation Guide' was produced by the Home Office in March 2004. This was to help forces to implement the new recording requirement in the most effective and least bureaucratic way possible. The guidance was evaluation led and drew heavily on the various experiences of the

seven sites during the phased implementation. It was also consulted on via the Lawrence Steering Group – Stop and Search Sub Group, which had ACPO, APA, Superintendents' Association, Police Federation and NBPA representation. Interim stop and search guidance was published in July 2004, followed by a Home Office Circular on stops in January 2005. **This Circular is reproduced at Annex B** and can also be accessed via the Home Office website www.homeoffice.gov.uk. The implementation guide and interim guidance can also be accessed via the Home Office website at www.homeoffice.gov.uk/crimpol/police/system/powers.html

1.5 Previously the police were only required to record searches conducted under their statutory powers laid out in sections 1 to 7 of the Police & Criminal Evidence (PACE) Act 1984.

1.6 Following the Home Secretary's acceptance of recommendation 61 of the Stephen Lawrence Inquiry Report, Code A has been amended to include the requirement for police and Community Support Officers in all force areas to record all stops by 1 April 2005. Full guidance can be found in paragraphs 4.11 to 4.20 of the revised Code A.

1.7 To ensure a consistent approach to this new requirement Code A clearly defines non-statutory encounters (i.e. stops) as:

“When an officer requests a person in a public place to account for themselves, i.e. their actions, behaviour, presence in an area or possession of anything”

However, Code A also defines the following cases where the requirement does not apply:

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

When stopping a person in a vehicle, a separate record need not be completed when an HORT/1 form, a Vehicle Defect Rectification Scheme Notice, or an Endorsable Fixed Penalty ticket is issued. It also does not apply when a specimen of breath is required under Section 6 of the Road Traffic Act 1988.

1.8 Further guidance on the recording of stops can be found in the Frequently Asked Questions Section on **page 89**. We have also produced a table containing information on recording responsibilities under certain circumstances. **The working draft is at Annex C.**

1.9 Code A states that a record must be given to the individual stopped. The recording requirements for stops differs slightly from searches, requiring;

- the date, time and place of the encounter.
- if the person is in a vehicle, the registration number.
- the reason why the officer questioned that person.
- a note of the person's self-defined ethnic background.
- the outcome of the encounter.

1.10 Forces are encouraged to ensure that recording is undertaken as fairly, effectively and in the least bureaucratic way possible.

Summary findings: recording stops³

The observations carried out during the phased implementation of recording stops provided evidence on the time spent by officers on the process:

- Accurately measuring the time officers spend on the recording process is difficult and unreliable.
- Officers' estimations are likely to be imprecise and are likely to be influenced by their general views on recording stops.
- Observations of police patrols provide a more systematic basis for assessing recording time.
- Distinguishing between the time spent on interacting with the public and making a record is not robust. This is because:
 - some officers used the form to manage the flow of the encounter;
 - the form is not always completed in one go and is a stop-start process; and
 - responsibility for interacting with the person and completing the record is sometimes split between officers, happening at the same time.
- Despite these limitations, observers estimated that three-quarters of stops were recorded in five minutes or less.
- No stop was estimated to have taken longer than ten minutes to record.
- The process for recording searches was, as expected, slightly longer.
- Previously unpublished data from North Wales (where officers used hand-held computers to record stops) shows that 67% of records were completed in three minutes or under.⁴

³ Quinton and Olagundoye (2004) *An Evaluation of the Phased Implementation of the Recording of Stops*.

⁴ Based on the difference in time between the stop record being opened and saved by the officer (as timestamped by the computer).

Monitoring and Supervision

1.11 PACE Code A (paragraphs 5.1 to 5.4) also sets out the statutory monitoring requirements for all stops and searches for forces, supervising officers and Police Authorities. This is important in maintaining transparency, accountability and public confidence in the police use of these powers. The responsibilities on Chief Officers, BCU Managers, first line supervisors and team managers and personnel officers are detailed in paragraphs **1.44** onwards.

1.12 Supervisors should be fully aware of their statutory responsibilities under PACE Code A. The monitoring requirement is positive in nature and requires action, both in terms of checking the accuracy and content of the forms and monitoring the use of stops by teams and individual officers. Where supervisors have concerns over the use of stops they should take immediate action to address them. Serious cases should be investigated and can lead to disciplinary action against the officer/s concerned.

1.13 Police Authorities are required to involve local communities in the scrutiny and monitoring of data on stops. Under Recommendation 63 of the Stephen Lawrence Inquiry Report, Police Authorities are required to engage in dialogue with their communities about police use of stops and the impact of recording stops on relations with the police, particularly among minority ethnic communities and younger people.

Statutory Stop and Search Powers

1.14 A full list of the statutory Stop and Search Powers can be found in Annex A of PACE Code A.

Types of search power

Searches using reasonable suspicion

1.15 For most stop and search powers a police officer must have reasonable grounds for suspicion. Paragraphs 2.2 - 2.11 of PACE Code A set out in some detail what may constitute reasonable suspicion. The key points are:

- there must be an objective basis for that suspicion based on facts, information and / or intelligence
- it should normally be linked to accurate and current intelligence or information
- it can be based on some level of generalisation stemming from the behaviour of the person in each individual situation; and

- by way of a distinctive item of clothing or other means to indicate membership of a group or gang combined with reliable information or intelligence on the carrying of weapons or controlled drugs
- Reasonable suspicion cannot be justified or supported by personal factors alone or generalisations or stereotypical images.
- The effective use of reasonable suspicion is likely to be based on a range of factors. This will not only raise the legitimacy of the exercise of the power but also assist in raising the level of public confidence.
- The Race Relations (Amendment) Act 2000 makes it unlawful for police officers to discriminate on the grounds of race, colour, ethnic origin, nationality or national origins when using their powers. The stop and search powers must be used fairly, responsibly, with respect for people being searched, and without unlawful discrimination.

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

Summary findings: reasonable suspicion searches⁵

Home Office⁶ research on reasonable suspicion showed:

- There is a wide variation in officers' understanding of the concept of reasonable suspicion;
- low levels of information are recorded on the grounds for the search⁷;
- the legal requirement of reasonable suspicion is probably not fulfilled for some searches;
- differences in officer practice about building grounds (i.e. developing grounds for a search after a person has already been stopped); and
- the concept of reasonable suspicion does not reflect how suspicion is developed in practice by officers⁸.

Searches not Based on Suspicion

1.17 Stop and Search powers where reasonable suspicion is not required are only provided for under very specific circumstances. Section 60 of the Criminal Justice and Public Order Act 1994 and Section 44 of the Terrorism Act 2000 allow officers to use stop and search where there is a threat of public disorder or to prevent acts of terrorism respectively. Both of these powers have to be authorised prior to their use.

Authorising officers

1.18 Authorising officers must be careful that they apply the powers lawfully. It is the authorising officer's responsibility to hold formal briefings before an operation begins. Formal briefings should be the rule rather than the exception, but where this is not possible the authorising or nominated officer can hold an informal briefing. It is important to make sure that all officers taking part in the operation fully understand their role and responsibilities, and their power of arrest under relevant legislation (such as relating to offensive weapons).

1.19 During the briefing, officers should remember that when these specific powers of search are exercised, the officer does not need to have reasonable grounds. So, officers should make sure that they do not discriminate against anyone based on improper reasons or stereotyping particular groups when they exercise their powers. Officers also need to monitor their own personal

⁵ Quinton, Bland and Miller (2000) *Stops, Decision-making and Practice*. See also Brown (1997) *PACE Ten Years On: A review of the research*.

⁶ Quinton, et al (2000) *Stops, Decision-making and Practice*. See also Brown (1997) *PACE Ten Years On: A review of the research*.

⁷ See also: Bottomley, et al (1991) *The Impact of PACE: Policing in a northern force*.

⁸ See Dixon, et al (1990) *Consent and the Legal Regulation of Policing*; Mconville et al, (1991) *The case for the prosecution*; and Young (1994) *Policing the Streets: Stop and Searches in North London*.

responsibility in this respect. The authorising officer should, at the very least, give officers intelligence on suspected offenders or for Section 44 Terrorism Act operations, on the prevailing threat assessment. The authorising officer should also consider imposing conditions as to who should be stopped and searched, based on available intelligence.

Control and Direction

1.20 Command and Control rooms should be available and contain details of the authorisation (including briefings, maps and so on). These rooms should also contain a working knowledge of the operation. The authorising officer could also give officers maps that clearly show the boundaries within which the authority applies.

Debriefing

1.21 Debriefing is good practice. It is an opportunity to answer questions, pick up on any issues that may have arisen, and get feedback from officers involved in the operation. An authorising officer may sometimes decide that it is not necessary to have a formal debrief. Where a full debrief is necessary, it should be held as soon as possible after the operation has finished.

Quality assurance

1.22 Forces should develop a formal quality-assurance process for using the powers. This should include checking that all Section 60 authorisations are being used appropriately, and making sure that written authorisations include all the necessary information.

1.23 The aim of Section 60 is to deal with football hooliganism, gang fights and public disorder of a similar nature. Section 44 is designed to prevent acts of terrorism. Both are powerful and intrusive. Where used for reasons within the spirit intended, both powers are very effective.

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

1.24 The requirements for a stop and search under Section 60 of the Criminal Justice and Public Order Act 1994 are explained in PACE code A. These powers are separate from and in addition to the normal stop and search powers.

1.25 For a search to be authorised under section 60 of this Act, the authorising officer (at the rank of inspector or above) must reasonably believe that incidents involving serious violence may take place in their police area and that it would be

necessary to authorise a search to prevent these incidents. These powers should not be used to avoid using the normal powers or dealing with routine crime problems. Authorisations must be justified on the basis that exercising the power is a proportionate and necessary response to achieve the purpose for which Parliament provided the power.

1.26 An authorisation under section 60 must have a basis, for example, intelligence or relevant information about:

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

Authorising officers

1.27 Authorising officers must be careful that they apply section 60 lawfully. It is the authorising officer's (or nominated officer's) responsibility to hold formal briefings before an operation begins. These should be the rule rather than the exception, but where this is not possible the authorising or nominated officer can hold an informal briefing. It is important to make sure that all officers taking part in the operation fully understand their role and responsibilities, and their power of arrest under relevant legislation.

1.28 The authorising officer should, at the very least, give officers intelligence on suspected offenders, and should also consider imposing conditions as to who should be stopped and searched, based on available intelligence. During the briefing, officers should remember that when a power of search is exercised under a section 60 authority, the officer does not need to have reasonable grounds to suspect individuals of carrying offensive weapons. They must not discriminate against anyone based on improper reasons or stereotyping particular groups when they exercise their powers. Officers also need to monitor their own personal responsibility.

Control and Direction

1.29 Command and Control rooms should be available to use, and hold details of the authorisation (including briefings, maps and so on), and these rooms should contain a working knowledge of the operation. The authorising officer could also give officers maps that clearly show the boundaries within which the section 60 authority applies.

Debriefing

1.30 Debriefing is good practice. It is an opportunity to answer questions, pick up on any issues that may have arisen, and get feedback from officers involved in the operation. An authorising officer may sometimes decide that it is not necessary to have a formal debrief. Where a full debrief is necessary, it should be held as soon as possible after the operation has finished.

Community concerns

1.31 Using the stop and search power has significant adverse impact among communities.⁹ It is good practice to tell community groups about section 60 authorisations to maintain community confidence and support, where time constraints allow. It is recognised that a few cases may involve sensitive or confidential material that should not be shared.

1.32 Forces should develop a formal quality-assurance process for using section 60. This should include checking that all section 60 authorisations are being used appropriately, and making sure that written authorisations include all the necessary information. A named ACPO lead should have responsibility for monitoring the use of Section 60 within forces.

1.33 The aim of Section 60 was to deal with football hooliganism, gang fights and public disorder of a similar nature. It is a preventative piece of legislation, which is powerful and intrusive. Where used as intended, S.60 is very effective and easily justified, however the Independent Police Complaints Commission (IPCC) have raised concerns over its use.

⁹ See, for example: Scarman (1981) *The Brixton Disorders, 10-12 April 1981*.

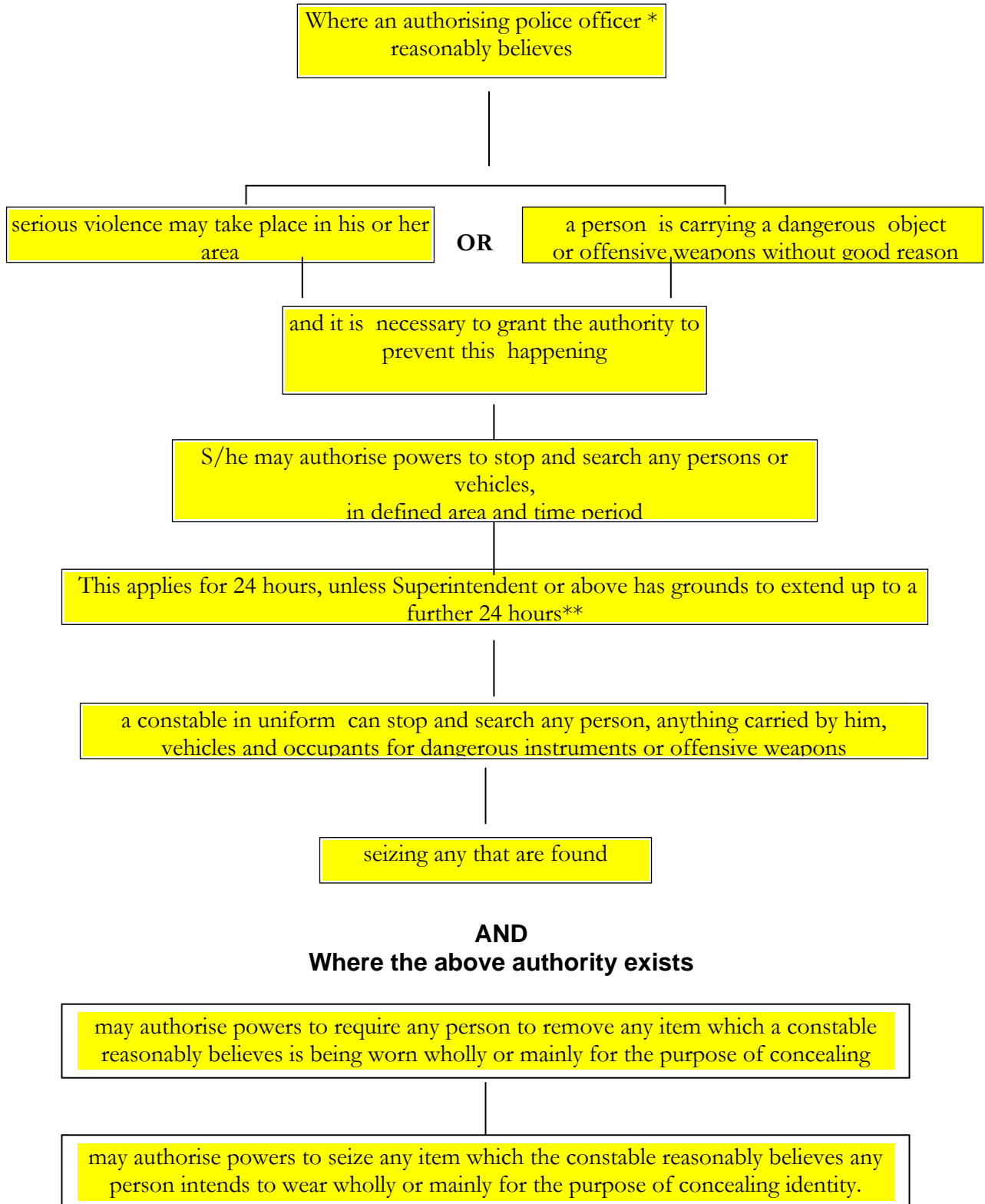
Summary findings: s60 searches¹⁰

Three important points were flagged up following observation of a s60 authorisation in one force which have important implications for public confidence and effectiveness:

- For some officers, the incidents upon which searches were based were relatively wide-ranging and inclusive(e.g. a teenager was searched in a police van for shouting: “I’m going to bust you!”).
- There was no evidence to suggest that the people searched during the observations were in possession of a knife or any other offensive weapon.
- Some officers expressed concern about the way the s60 searches could be used by colleagues, commenting that speculative searches could be used inappropriately and without reason. There was also informal competition between officers about the number of search forms they had submitted.

¹⁰ Quinton, et al (2000) *Stops, Decision-making and Practice*.

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



* When an inspector or Chief Inspector makes an authorisation under s.60 they must cause a Superintendent to be informed as soon as practicable.

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

Good Practice: Section 60 Criminal Justice and Public Order Act 1994

- Provide appropriate training on the use and application of Section 60 commensurate with roles and include all ranks involved in this;
- Publish a force-wide directive giving guidance and outlining policy on the use of Section 60 and the administrative procedures to be followed;
- Identify a specific department to take responsibility for the collation and monitoring of S60 data, including related searches and disproportionality;
- Ensure that robust and adequate procedures are in place to ensure that s60 authorisations are effectively managed from inception to conclusion.

Searches authorised under section 44 of the Terrorism Act 2000

Authorisations

1.34 Authorisations made under section 44 of the Terrorism Act 2000 allow officers to stop and search vehicles and people within vehicles (section 44(1)), and pedestrians (section 44(2)). The authorisation will only be given if the person giving it (the authorising officer) considers it necessary to prevent acts of terrorism. The power allows an officer to search for articles that could be used for terrorism, whether or not there are grounds for suspecting that such articles are present (sections 45(1) and (2)).

1.35 Authorisations under section 44 must be signed by officers of Association of Chief Police Officers (ACPO) rank and include the time the authorisation was given, the time and date it runs out (which is no longer than 28 days after the date on which the authorisation is given), the area covered and the reasons for authorising the powers.

Secretary of State

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

1.37 The guidance in Home Office circular 38/2004 is reproduced at **Annex D**. The aim is to make sure that forces consider as wide a range of factors as possible when they make an application. The decision to issue an authorisation and the reasons for doing so rest with the authorising officer.

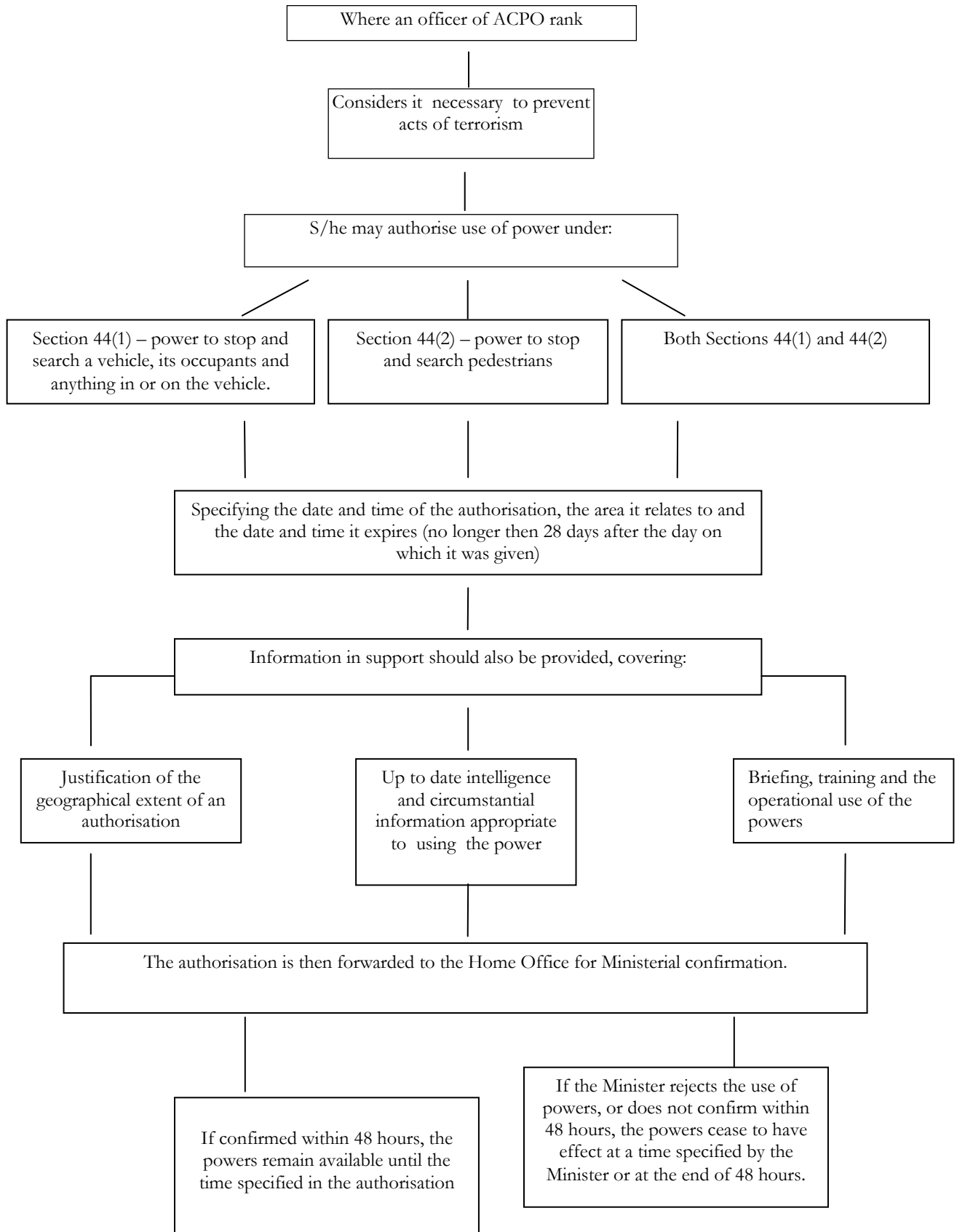
No discrimination

1.38 As stated in PACE code A, officers must not discriminate against black and minority ethnic communities when they exercise these powers.

Independent Parliamentary oversight

1.39 Effective independent scrutiny is an important element in the terrorism legislation. The legislation is reviewed annually by an independent reviewer, Lord Carlile of Berriew QC. He welcomes comments on the operation of the Act, or the powers in it. He can be contacted at carlilea@parliament.uk.

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



The power conferred allows a constable to search for articles of a kind that could be used in connection with terrorism. The officer does not need grounds for suspecting the presence of such articles to use the powers.

Community Support Officers

1.40 All references to officers in PACE Code A paragraphs 4.11 to 4.19 include police staff designated as Community Support Officers (CSO's) and to Specials.

Detention powers

1.41 CSOs have the power to detain people for up to 30 minutes ending the arrival of a police officer where a member of the public has committed a relevant offence and refuses to give their name and address.

Schengen Information System

1.42 The Schengen Information System (SIS) is a European data system that gives police officers access to alerts issued by other member states of the European Union about people, vehicles and objects, such as firearms. Also, it gives officers access to a much wider range of information from across Europe. The system holds details on a number of types of people, including people or their vehicles (or both) involved in serious crime or threats to national security who should be checked or whose whereabouts should be reported (Article 99 Alert).

1.43 Once the Schengen Information System is in place in the UK, any officer checking a person or vehicle on Police National Computer will also be checking the Schengen Information System and may receive an alert from it. It is important that officers understand that:

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

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

1.44 Chief officers, BCU senior management teams, managers, supervisors and officers conducting stop and search all have essential roles to play in ensuring that best use is made of the power and that it is always applied fairly and effectively.

Chief Officers

1.45 The Chief Officer is liable for the lawful use of stop and search by their force. It is therefore important that they should appoint an ACPO ranking member of their command team to assume lead responsibility for the power. The officer responsible for the stop and search portfolio must ensure that:

- appropriate force directives are set and reviewed in the light of this guide in consultation with the community and police authority, and that these are promulgated to all officers for action;
- the force meets its statutory requirements for the submission of stop and search data to the Home Office;
- there is training provision to meet the needs of staff at all levels in relation to stop and search (including specialist officers and special constables);
- management information systems are in place which inform the command team of any significant trends - exception reporting, or disproportionality - for further investigation;
- mechanisms are in place to enable further analysis to be undertaken on a routine basis;
- force policy is set for the recording of stop and search, for example, in relation to forms, data content and supervision;
- all members of the force ACPO team know their responsibilities as authorising officers under s.44 and 45 of The Terrorism Act, 2000.(Annex B);
- all members of the force ACPO team know their responsibilities as identified within the Race Relations (Amendment) Act, 2000.
- Whilst acknowledging that the sole legal objective of stop and search is detection, its secondary intelligence value is recognised throughout the force and there are systems in place to maximise this;
- Stop and search is quality assured at a force-wide level as an integral part of the internal inspection process and externally through the Police Authority, independent advisory committees and through public consultation; and
- That there is some central point of reference within the force for help and advice, in support of the local application of stop and search.

BCU Senior Management Teams

1.46 As the officer leading a BCU you must be able to demonstrate that all officers who have exercised the power of stop and search on your geographical area have performed effectively and in a non-discriminatory way. To this end it is essential that all your staff are clear that it is **QUALITY AND NOT QUANTITY** that you seek in stop and search. You must also demonstrate that due consideration has been given to the contribution which stop and search might make in support of all local initiatives. You must appoint a member of your senior management team to be responsible at a strategic and tactical level for the promotion of the proper use of stop and search on your area and for the management of all aspects of the tactic. When local strategies and plans are developed, which include the use of stop and search, it is vital that community involvement is sought to minimise any possible negative impact in this area. As the appointed senior management team member you must ensure that:

- The use of the tactic is managed in accordance with the ACPO guidance contained in this document, complemented by any force directives on this subject. You need to understand the general and local issues around stop and search. You must be the recognised lead for stop and search on your area;
- The appropriate use of stop and search is promoted internally. Your officers need to understand the value of the tactic and to be able to communicate this within the communities they police;
- The appropriate use of stop and search is promoted and justified externally and that its community impact is analysed. A media strategy must also be considered;
- Clear indications are given of what is and isn't an appropriate use of the power. - It is important that clear ground rules are set and publicised;
- Positive support is provided for officers who act lawfully and proportionately even should they receive a complaint. You must make it quite clear that officers who act in accordance with this guide and force directives have nothing to fear when they conduct stop and search. It is important that they feel confident in their local managers;
- Clear support is given to line supervisors who challenge inappropriate behaviour. Officers must know that serious breaches of professional conduct bring discredit on the police service and will attract disciplinary action;
- Systems are in place, which provide officers with the best intelligence available to inform individual decisions whether to stop and search. These systems must meet the needs of your officers and all others deployed on your area. Officers from outside the area must be properly briefed prior to deployment to ensure that they understand:
 - ⇐ relevant community issues;
 - ⇐ the local policing style; and
 - ⇐ exactly what is required of them;

- Your officers have received appropriate training in stop and search and wherever possible visible support is given to the training process. Your officers must have a clear understanding of the law, their powers and responsibilities.
- Your officers have a thorough knowledge of the powers that do not require reasonable grounds (for example, S.60 Criminal Justice and Public Order Act, 1994);
- All Inspectors, Chief Inspectors and Superintendents on your BCU know their responsibilities as authorising officers under S60 Criminal Justice and Public Order Act, 1994. This provides a valuable tool that may be used to prevent serious violence and to detect the carriage of dangerous instruments or offensive weapons. All authorising officers must be made fully conversant with the relevant legislation before exercising this power;
- All searches are recorded under the relevant power. It is ACPO Policy that police officers should only carry out searches when they have a statutory power to do so.
- Officers conducting stop and search acknowledge the value of intelligence that can be obtained;
- Officers are mindful of forensic considerations when carrying out stop and search.
- Systems are in place so that all records of searches are entered onto a database in accordance with force policy. If this database is maintained at a local level, ensure that it is properly managed;
- Management information systems are in place which inform you of:
 1. Good results - It is important to proclaim success internally and externally and to give due praise for professional performance; and
 2. Any changes in officer behaviour or disproportionality of activity - for further investigation (under the Race Relations (Amendment) Act, 2000, police become liable for any forms of racial discrimination they commit); and;
 3. Processes are in place to quality assure all your local systems relating to stop and search.

First line supervisors and team managers

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

Effective supervision is a fundamental necessity, drawing on leadership skills and knowledge. Your supervision should ensure the legality and enhance the Effectiveness of searches. Used properly, stop and search can increase public confidence in your officers, within your community and reduce the fear of crime. It is about you setting standards, supporting individuals and teams in Achieving these standards, monitoring how your staff attain them, and giving constructive feedback. As a supervisor you must ensure that:

- The most effective use is made of stop and search in support of local policing needs;
- Your officers are equipped with the best, focused and objective intelligence available. This is necessary if they are to engage in proportionate and effective stop and search;
- Your staff receive intelligence led briefings, are actively supervised, led, supported and encouraged to promote effective use of stop and search. Checking stop and search forms is important but it is no substitute for hands-on supervision to ensure that the power is used lawfully and fairly;
- Your officers are provided with constructive feedback on the quality of their interactions;
- All stop and searches are properly recorded. You should scrutinise (not simply sign off) search forms to ensure that they are legal and not based on negative stereotypes and weak generalisations;
- The intelligence value of stop and search is promoted;
- Officers are mindful of forensic considerations when carrying out stop and search.
- Praise is given when it is appropriate and good practice is recognised. Put it in writing and tell others. If staff are performing effectively, let them know. Verbal thanks, good work reports or formal commendations go a long way in motivating individuals;
- Poor quality work and unfair practices are challenged and remedied, taking disciplinary action where appropriate. If unacceptable behaviour is not challenged quickly, firmly and openly, it will have been endorsed and will become part of the culture. It is essential that supervisors are proactive in this area, your integrity and that of your officers together with the process is paramount;
- You fully comply with the important addition of the revised code of practice Code 4DA. "Supervising officers, in monitoring the exercise of the officers' stop and search powers, should consider in particular whether there is any evidence that officers are exercising their discretion on the basis of stereotyped images of certain persons or groups contrary to the provisions of the code. It is important that any such evidence should be addressed.

Supervising officers should take account of the information about the ethnic origin of those stopped and searched which is collected and published under section 95 of the Criminal Justice Act 1991.”

- Your officers fully understand that the number of searches conducted is not a personal performance indicator. The message must be clear - **QUALITY NOT QUANTITY**;

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

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

Operational officers exercising the Power

1.48 The way you conduct stop and search, consistent with Code A of PACE, has an important and direct impact on community relations. It is how you treat people that determines the public perception of, and confidence in, the police. All officers must be aware of the damage that can be done by just one poorly conducted stop and search. Aggression or rudeness have a negative impact on the person stopped. This can extend to their families and can have a far-reaching effect on the local community. The measure of success must be the quality of stops and searches rather than quantity. This means you must act on accurate intelligence or information, fully explaining the reasons for your actions, justifying the grounds and object for the search, and recording every encounter. It is your responsibility to conduct stops and searches in a professional manner, even in the most challenging of circumstances.

As an officer conducting stop and search you must:

- Have sound knowledge of powers and procedures, and use them objectively. It is important that before the search the person has clearly understood your explanation and reasons for exercising the power.
- Understand and comply with legislation which impacts upon the exercise of stop and search powers, eg; the Human Rights Act and the Race Relations (Amendment) Act;
- Recognise that when exercising the power of stop and search, not everyone who has been stopped has to be searched. The grounds for search can cease at any time and you must use your communication skills to bring the interaction to an immediate close whilst retaining mutual respect;
- Remember that a lack of an arrest does not indicate that the stop and search was unlawful, inappropriate or valueless. Whilst the reason for conducting a stop and search is detection, both positive and negative searches can yield valuable intelligence, which must be captured. Do not underestimate the potential value of small pieces of information;
- Know the area, its crime and offenders, together with the latest intelligence or information; but remember that past offending can never in itself provide grounds to stop and search an individual.
- Be mindful of forensic considerations when carrying out stop and search.
- Complete, in accordance with your legal obligations, accurate records of all searches including the object and the grounds, to explain and support the power used;
- Ensure that you give a copy of the record, together with any material on police powers and the rights of the individual which is used by your force for this purpose, to the person searched at the time, unless it is impracticable to do so.
- Be aware that you are liable not only for your own actions but also for the actions of your colleagues. All police officers have an individual responsibility to challenge inappropriate behaviour;

- Remember that Road Traffic Act powers of stop such as Section 163 do not carry a power to search, but are also intrusive and should only be carried out with good reason;
- Recognise that as a general rule any member of the public should be allowed to observe you carrying out a stop and search as long as the person being searched does not object. The dignity and privacy of the individual being searched is of paramount importance and must always be considered; and
- Always remember your personal safety and that of others when you are conducting a stop and search.
- Make every effort to ensure that your actions leave a positive image of the police service. The whole encounter must be conducted with:-

⇐ politeness

⇐ respect for dignity

⇐ appropriate language

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

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

1.50 The APA 'Know your rights' material is reproduced at **Annex E**, and explains individuals' rights when they are stopped.

Consultation Questions

Police

Q1: As a police officer does this section equip you with a sufficient level of knowledge to undertake a fair and effective stop and/or search? If not, what additional information could be provided?

Community

Q2: As a member of the community is this section understandable? Does it inform you of the circumstances under which you could be stopped or searched? Could we make this section clearer?

Chapter 2

Intelligence

This chapter explains the role of the National Intelligence Model (NIM) used by forces, and its usefulness in relation to stop and search.

National Intelligence Model (NIM)

2.1 In the previous chapter and throughout this guidance there is an emphasis on intelligence as a key pre-requisite in using powers of stop and search and as a key product from their use. The National Intelligence Model (NIM) which has been adapted by all forces in England and Wales should direct the police use of powers in response to identified problems. Launched by the National Criminal Intelligence Service (NCIS) and adopted by the Association of Chief Police Officers (ACPO) in 2000, the government placed the NIM at the centre of the Police Reform Agenda.

2.2 The NIM is 'A Model for Policing' that ensures that information is fully researched, developed and analysed to provide intelligence that senior managers can use to:

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

2.3 It is important to note that the NIM is NOT just about crime and NOT just about intelligence – it is a model that can be used for most areas of policing. It offers, for the first time, the realisable goal of integrated intelligence in which ALL forces and law enforcement agencies play a part in a system bigger than themselves.

2.4 This is primarily a business model that will provide greater consistency of policing across the UK, while allowing operational strategies to focus on key priorities. It will allow more officers to focus on solving priority problems and targeting the most active offenders, while allowing officers to achieve greater compliance with human rights legislation and the Regulation of Investigation Powers Act (RIPA).

2.5 At an operational level it will allow for more informed business planning and a greater link to operational policing issues. It will aid in improving the direction and briefing of patrols.

2.6 In terms of outcomes, it will help reduce rates of persistent offenders through targeting the most prolific ones and will enable forces to do so through improved integration with partner agencies.

2.7 Training for officers at all levels on the dimensions and uses of the NIM is important for the effective intelligence-driven use of stop and search to control crime and protect all communities.

2.8 The model works at the following three levels of: Level 1 – Local/Basic Command Unit (BCU); Level 2 – Force and/or regional; and Level 3 – Serious and organised crime that is usually national or international. The relevant level for ensuring the effective use of stop and search is Level 1.

2.9 The Model comprises four prime components, which are fundamental to achieving the objective of moving from ‘the business’ to ‘the outcomes’. The business involves managing crime, criminals, disorder and problems, whilst the outcomes are deemed to be community safety, reduced crime, controlled criminality and controlled disorder.

2.10 The four components are.

- **The Tasking and Co-ordinating Process** - which provides the tasking and co-ordination group meetings chaired by a senior manager of the command unit who has the authority to deploy the necessary resources.
- **Four key Intelligence Products** - strategic assessments, tactical assessments, target profiles and problem profiles.
- **Knowledge Products** - which include legislation, case law, force policies and procedures, and Codes of Practice. It is important that all staff are given the necessary training and access to these.
- **System Products** - which are the IT and manual systems that ensure the security of data and enable intelligence-led policing to work.

2.11 Tasking and co-ordination meetings are most effective at directing resources at local problems where those attending the meetings include, for example, personnel from local authorities, crime and reduction partnerships and other criminal justice agencies.

2.12 The intelligence products of *target* and *problem* profiles that have been compiled using community intelligence and analysed information from Community Beat Officers, Specials and, where they are employed, Police Community Support Officers have enabled tasking meetings to better target their resources at local problems. The importance of using community intelligence as comprehensively as criminal intelligence to inform decision making by tasking meetings cannot be overstated.

2.13 Chapter 3 describes the work undertaken to produce a template, linked to the NIM, with which forces could evaluate the variables that could influence the effective and fair use of stop and search.

Summary findings: effectiveness of stops and searches¹¹

- Searches are most effective when they are used in a targeted, intelligence-led way, focused on more serious crimes and more prolific offenders.
- Simply increasing numbers of searches will not improve effectiveness. Instead, searches should be seen as just 'one tool in the toolbox'. Where they are used more often, they often tend to be less effective.
- There is also no clear correlation between levels of searches and the detection rates for crimes.
- There was no evidence that changes in the levels of searches have an impact on crime rates.¹²
- Effective targeting of stop and search against crime problems should both increase their effectiveness in tackling crime, and minimise the inconvenience to law-abiding members of the public. It should also help provide officers with credible explanations for stopping and searching people - an important aspect of public satisfaction.

- The most effective searches are those with good grounds and those which are based on accurate and up-to-date intelligence on current crime problems and active offenders.
- The legitimacy of stops and searches is more likely to be placed at risk if they are based on high levels of discretion, inaccurate information, a lack of direct evidence, or are poorly handled.¹³

Consultation question

All

Do you find this Chapter informative/useful?

¹¹ Miller, et al (2000) *The Impact of Stops and Searches on Crime and the Community*.

¹² See also: Penzer (1999) *Reported Crime and PACE Stop and Search Activity: An investigation of the possible relationship*.

¹³ Quinton, et al (2000) *Stops, Decision-making and Practice*.

Chapter 3

Good Practice Support - Practice Orientated Package

The Practice Oriented Package (POP) was developed by the SSAT to determine the drivers for disproportionality in five selected forces and to develop action plans to assist forces to improve the effectiveness of Stop and Search while reducing levels of disproportionality. While the findings are attributable to these five forces it is hoped that the lessons learnt from this process can be used to focus the attention of all forces on critical areas.

The process relied heavily on the involvement of staff of all levels within forces together with Police Authority members, key stakeholders and, critically, community members.

Introduction

3.1 The aim of the Practice Orientated Package was to improve the operational effectiveness of the police use of stop and search whilst increasing community confidence in the use of the power.

3.2 Members of the Stop and Search Action Team worked directly with four police forces and one Metropolitan Borough to identify good practice. Further details on the process are contained in paragraphs 3.13 to 3.36 below.

3.3 It is important to highlight that this work can not be classified as research and was more about providing forces with hands-on practical support to help identify and deal with problems in the area. The team worked over a short period, focusing on one Basic Command Unit of each of the selected forces/borough, and taking a snapshot picture of activity, systems and processes and how these may have affected police practice, in the use of stop and search. We wanted to understand the reasons behind different levels of stop and search activity and establish a bespoke action plan for each of the forces. Conclusions and recommendations are based on what the team saw and experienced in the five Basic Command Units. Therefore, while the process can be repeated in other forces, the findings and recommendations for action are likely to differ. The aim of the work, however, was to develop a process that could be repeated elsewhere and possibly by forces as a tool to examine their own practices and take action.

Variation and disproportionality

3.4 Analysis of Stop and Search data shows that there is a high level of regional variance in disproportionate use of stop and search. Disproportionality in

Stop and Search is calculated by taking each force's Stop and Search figures, broken down by ethnicity, and comparing them with the respective resident population as per Census figures.

3.5 Forces showed a wide variance (8-18%) in the arrest rates arising from stops and searches. Some of these variances can be attributed to the particular stop and search powers used. For example, low arrest rates when using stop and search powers primarily for the purpose of deterrence would be expected under Section 60 of the Criminal Justice and Public Order Act 1994 or Section 44 of the Terrorism Act 2000. However it is perhaps more surprising to find these variances apply for those stops and searches which take place under Police and Criminal Evidence Act (PACE), i.e. which arise from reasonable suspicion.

3.6 We sought to explain these regional variances following a request by the National Criminal Justice Board. We looked at a range of demographic factors, but there appeared to be little connection.

3.7 One argument that has been advanced in defence of disproportionate use of stop and search is that "street populations" (those people available to be searched because they are literally on the street where and when the police conduct stop and search activity) contain more people from Black and Minority Ethnic (BME) communities than resident populations.

3.8 There is evidence to show that the 'street population argument' below does account for a level of disproportionality in certain studied forces. Specifically the findings from our work supported a potentially legitimate increase in disproportionality when:

- there is a greater proportion of BME residents in an area within the 14-25 year old age bracket. Offences are more likely to be committed by young men within this age bracket;
- there is evidence that offenders commute into an area to commit offences; and
- there are significant numbers of BME residents not recorded on the census in a force area.

The table below describes **national** research data

Summary findings: factors which may impact on disproportionality

Discrimination

- The Stephen Lawrence Inquiry underlined the problem of disproportionality in police stop and search practices, highlighting that discrimination was a major element.
- Norris, et al (1992) found that, in the three areas studied, the police stopped black people on more speculative grounds than white people. Racial stereotyping by the police (Smith and Gray, 1985)
- FitzGerald and Sibbitt (1997) found that the police contribute to ethnic difference in searches as a result of 'heightened suspiciousness' of black people.

Police working knowledge¹⁴

- Officers' suspicions are aroused as a result of the following factors:
 - appearance - including youth, clothing, types of vehicle, being out of place, in some cases ethnicity, being known to the police and fitting suspect descriptions;
 - behaviour – including 'suspicious activity' and observed offending;
 - time and place – resulting from officer availability for proactive duties and officer expectations about where and when people are suspicious; and
 - information or intelligence – such as suspect descriptions and local intelligence on crime.

Suspicions will also be aroused as a result of wider generalisations made by officers on the above. The broad targeting of stops and searches in this way can pose a risk to public confidence. For example, suspicions, which in some sense might be reasonable, have the potential to alienate the public and to develop into negative stereotypes.

Socio-demographic factors

- Various commentators have argued that the experiences of black people can, to varying degrees, be explained by other socio-demographic variables such as age, sex and class.¹⁵ For example, Fitzgerald (1993) suggests that age is a key factor because the black population is significantly younger than the white population
- The 2000 British Crime Survey showed that, taking other factors into

¹⁴ Quinton, et al (2000) *Stops, Decision-making and Practice*. See also: McConville, et al (1991) *The Case for the Prosecution*.

¹⁵ As discussed in Bowling and Phillips (2002) *Racism, Crime and Justice*.

account, ethnicity was not a strong predictor of being stopped on foot by the police in 1999. However, being black, or from a Pakistani or Bangladeshi background, was a predictor for being stopped in a car in 1999 once other demographic factors had been taken into account.

'Availability'

- FitzGerald and Sibbitt (1997) argued that the black people may be more 'available' to be searched than white people. They pointed to relative levels of black unemployment and school exclusions, and the finding from the 1994 British Crime Survey that black people went out in the evening more often than Asian people.
- Empirical RDS research¹⁶ in five sites showed that measures of resident population give a poor indication of the populations in areas where stops and searches are most used. Furthermore, when the profile of stops and searches are compared with the so-called available populations, they do not show a general pattern of bias against minority ethnic groups in officer practice.¹⁷

The study does not deny that those from minority ethnic groups disproportionately experience of stops and searches. Rather it suggests that structural factors provide the main explanation for this. Statistical comparisons with the resident population remain important as they represent the actual experiences of those from minority ethnic backgrounds. It also raise important questions about why stops and searches are targeted in particular areas.

Police recording practices

- FitzGerald and Sibbitt (1997) highlighted that officers repeatedly said that searches of black people were more likely to be recorded than those involving white people.

Information and intelligence

- Research carried out by FitzGerald (1999) for the Metropolitan Police found that there was a correspondence between the searches and the profile of suspect descriptions in cases where the information was available. Unlike white or black people, Asians were more likely to be searched than would be expected from the description from victims.

Ethnic differences in offending

¹⁶ MVA and Miller (2000) *Profiling Populations Available for Stops and Searches*.

¹⁷ See also Waddington et al. (2004) *In Proportion*; Hallsworth and Mcguire (2004) *Examining stop and search patterns in the City of London (unpublished)*; and Boniface (2000) *Stop and Search (unpublished)*.

- Bowling and Phillips's (2002) review of the evidence on involvement of different ethnic groups in crime concludes that there is no clear picture on offending patterns because of methodological and conceptual difficulties.

3.9 SSAT work showed that two forces could demonstrate that a significant level of disproportionality could be attributed to these factors however:

- the arguments are not pertinent to all forces nor can they explain sudden rises in disproportionality experienced in some forces.
- given the daily fluctuations of “street populations” no accurate cost effective method of establishing the figures has been developed
- work on “street populations” has failed to increase community confidence in the use of the power

3.10 SSAT set out to look at the reasons for regional variances, work with individual forces to reduce disproportionality and to develop a **national guide which is at Annex F** to assist other forces to reduce levels of disproportionality where appropriate and to increase confidence in the use of the power with local communities.

3.11 The forces (Cleveland, Dorset, Leicestershire, MPS and Nottinghamshire) were chosen using a combination of criteria that included the following:

- a mix of urban and rural forces
- a mix of high and low BME populations
- their level of disproportionality and use of the powers;
- the force policy on the use of stop and search;
- the level of implementation of the National Intelligence Model; and
- the level of training.

3.12 The work was designed to produce a template, linked to the National Intelligence Model, with which forces could evaluate the variables (varying factors) that could influence the effective and fair use of the power.

The six stages of the process were as follows:

1. Meeting with one of the Chief Officers;
2. Determining the community reaction to the use of stop and search;
3. Carrying out detailed analysis of the stop and search data broken down into various fields;
4. Policy seminars;
5. Practitioner seminars; and

6. Observing the cycle of intelligence within forces

1. Meeting with one of the chief officers

3.13 The chief officer received a presentation on the aims and intended outcome of the work, at the end of which s/he gave their approval for the work to be carried out in their force.

3.14 It was essential that in its initial stages POP be seen as a process to understand the effectiveness of stop and search and not one to examine the performance of individual forces. Reports to forces were therefore confidential to the Chief Constable. Where appropriate we made recommendations for action in confidence.

3.15 Throughout the process we were struck by the enthusiasm of senior staff in each of the forces for the work.

2. Determining the community reaction to the use of Stop and Search

3.16 The team visited a number of community groups independent of the forces concerned. Efforts were made to visit groups of young people (including young offenders) in addition to representatives from a cross section of racial and religious groups. Community reactions to the use of the power and their understanding of their rights fluctuated across the country, however four key pieces of learning came from this exercise:

Community support

- there is strong community support for the proper application of the power. No community group we spoke to advocated the removal of the power¹⁸;

Informing communities

- Police Authorities have a pivotal role to play in informing communities of their rights; scrutinising the actions of forces and communicating details of a force's performance to the community. Despite the fact that the statutory duties for Police Authorities were emphasised in Recommendation 63 of Stephen Lawrence Inquiry Report, we found that a number of Police Authorities were failing to take an active role in the process;

¹⁸ Stone and Pettigrew (2000) *The Views of the Public on Stops and Searches*; and MORI (2004) *The View of the Public on the Phased Implementation of the Recording of Stops*.

- In general communities reacted positively when they saw that the power was being used for their benefit and reacted adversely when it was seen to be arbitrarily used upon them. Young people in particular felt that the power was used by police officers to assert their authority and control behaviour rather than to prevent crime.
- Police forces and Police Authorities could significantly increase community support for the use of the power through ensuring that the community were aware of the reasons for its use (both generally and on specific occasions) and providing easily accessible and understandable information to the community when it had been used.

Conduct

- It was not the quantity of searches that caused the greatest friction with the community but rather the way in which searches were conducted and the perceived targeting of specific racial groups. Notably, there was support from Black and Minority Ethnic (BME) communities in the use of the power in the one area where as a young Black male you are more likely than anywhere else in the country to be stopped and searched. This was because of the perceived fairness of its use as young White males were equally as likely to be stopped and searched, and in the way that the encounter was conducted.

Summary findings: the views of communities

*Stops and searches in general*¹⁹

- There was support for stops and searches (in principle), particularly in dealing with serious crime. Most were more likely to cite the problems associated with their use, and support was based on a there being change in police practice.
- A strong perception was that the police should change the way they decide *who* to stop and *why*, and improve the manner of interaction.
- People generally recognised the difference between a stop and a search. Searches were seen as more intimidating.
- Experiences of being stopped tended to be negative. Research for the MPA showed that the worst experiences resulted from encounters where people felt humiliated, angry and intimidated.²⁰
- People tended to want to end an encounter quickly due to embarrassment.
- The attitudes and behaviour of officers was the single most important issue for respondents. They are fundamental in people's experience of stops and searches.

¹⁹ Stone and Pettigrew (2000) *The Views of the Public on Stops and Searches*; and MORI (2004) *The View of the Public on the Phased Implementation of the Recording of Stops*.

²⁰ 1990 Trust (2004) *Stop and Search: A community evaluation of Recommendation 61 in the London Borough of Hackney*.

- Importance was placed on being given a genuine reason for stops and, particularly, searches. This was related to people's satisfaction with stops and searches. If not provided, people felt uncomfortable and victimised.
- Research for the MPA found that reasons such as "looking suspicious" were more likely to be viewed sceptically and thought to be dishonest by the public and, as a result, were more likely to undermine confidence.²¹
- Positive experiences were based on being given a reason for the stop, treated politely and not being kept for a long time or unfairly targeted.
- Overall, respondents thought that being male, young, from a minority ethnic background, part of a large group, known by the police, wearing certain types of clothing or driving certain types of cars, increased a person's chance of being stopped.
- Black and Asian respondents felt that they were more frequently stopped than white people, and that they were targeted because of their ethnic background.

Recording stops²²

- Awareness of the recording requirement varied between sites, but seemed to be greatest in Hackney where it received most publicity.
- Once explained, there was widespread support for the recording of stops amongst respondents.
- The main advantage of recording was that it detailed the reason for the stop.
- Other perceived benefits were that the form enabled people to prove they had been stopped (e.g. for complaints) and, when given at the time, could increase openness of police records.
- Not all respondents were given a reason for being stopped by the police, despite being important to them. Some reasons that had been given were thought to be too general or lacked credibility.
- There was a general consensus among respondents that they did not mind the police asking people to define their ethnicity. Some were, however, unsure why the police asked this question.
- Only half of those who received a record said they read the form. This was mainly because they did not understand the purpose of the form at the time of the stop.
- While most respondents welcomed the initiative, its impact on confidence was fairly limited. Respondents were less likely to see the benefits of the form if it was not explained to them.
- The recording of stops was of secondary importance to the attitudes and behaviour of officers.
- Although form design was not seen to be important, most preferred smaller forms that were convenient to carry, quick to complete, and easy to read.
- There was a clear sense that forms needed to be clearly laid out, written in plain English, and with jargon and abbreviations kept to a minimum.
- The most important point flagged up about recording was the clarity of the

²¹ 1990 Trust (2004) *Stop and Search: A community evaluation of Recommendation 61 in the London Borough of Hackney.*

²² MORI (2004) *The View of the Public on the Phased Implementation of the Recording of Stops.*

reasons for the stop.

3. Carrying out detailed analysis of the Stop and Search data broken down into various fields

3.17 This exercise provided information that was used in the seminars held with force policy makers and practitioners. We compared the level of use and disproportionality between both the force and one of its Basic Command Units (BCU) and against average national figures.

3.18 Key pieces of learning were:

- In a number of forces there were strong variances between BCUs both in terms of use of the power and disproportionality.
- All BCUs showed high levels of variance each month in terms of volume, level of disproportionality and arrest rate. Given that we identified forces who we assessed as using the power appropriately we concluded that month on month variances are inevitable given the nature of police work.
- Most forces had extremely powerful data collection/analysis tools. Some forces failed to utilise this resource effectively, for example to detect officers acting in a disproportionate way.
- Some forces produced information on disproportionality in a simple visual format to aid the quick understanding by first line supervisors that would enable them to take appropriate action.
- The quality of information on forms and data collection varied between forces. A key factor in this process was the role of supervisors. Where they took responsibility for this process the standards were significantly higher.
- Quality of data collation and analysis similarly varied between forces. A key factor in this process was the interest shown by senior managers in the process.

4. Policy seminars

3.19 The aim of the policy seminars was to determine the policy and strategic drivers for stop and search within the force, and the consequent impact on the

community.

3.20 We invited senior police officers, representatives from the Police Authority, representatives from the Local Criminal Justice Board and from key community groups. Attendance varied between forces.

The seminar was broken down as follows:

Section 1: Setting the scene on stop and search, nationally and locally using available data.

Section 2: Agreeing the picture – delegates were asked to:

- define the purpose of Stop and Search within the force;
- determine reasons for friction with the local community in use of the powers; and
- assess impact of external agencies (Home Office; LCJB; local media etc) on the use of the power

Section 3: Way forward – delegates were asked to agree action points for the different agencies/organisations to increase the positive aspects of stop and search and decrease the negative ones.

5. Practitioner seminars

3.21 We replicated the policy seminars with Inspectors, Sergeants and Constables from one Basic Command Unit of the same forces. We wanted to establish whether there was an agreement on:

- force policy;
- reasons for difficulties; and
- ways forward

Key pieces of learning from this exercise included:

Policy

3.22 We started by analysing and assessing written force policy documents, to establish whether the written policy reflected what officers told us regarding their use of stop and search during the seminar, and in turn how this was reflected in practice. Of note, officers did not make any reference to written policy documents.

Reasonable suspicion

- National PACE guidelines were seen to be deficient in not offering a national definition for reasonable suspicion.²³
- Some force policies define the parameters of “reasonable suspicion.”

Government influence

- Government policy, priorities and initiatives are seen as directly responsible for driving up disproportionality by both senior staff and practitioners, for example the Street Crime Initiative.

Poor and good policies

- A number of forces had outdated, incomprehensible or inappropriate policy documents on stop and search. Less successful policies were seen to be highly defensive and failed to provide guidance to officers on when to use the powers.
- Good force policy documents were clear, concise and stressed the specific advantages in the use of the power.

²³ See Quinton, et al (2000) *Stops, Decision-making and Practice* on how reasonable suspicion is understood by officers.

- Good force policies specified responsibilities of supervisory grades in the operation of the power.

Force and community agreement

- Forces with lower levels of disproportionality had agreement between Chief Constable, Senior Managers as to the purpose of stop and search. Where there was also agreement with the local community, confidence in the use of the power was significantly higher.

Performance

- Force policy needs to be explicit in stating that an officer's performance will not be assessed on the number of stops and searches they perform but that he/she will be judged on the outcomes and quality of stops and searches.

Practice

3.23 The connection to the National Intelligence Model and under-recording were two of the key issues brought out when we looked more closely at practice.

Complaints

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

Form filling

- In a number of forces significant numbers of police officers we spoke to stated that they did not complete stop and search forms either because the encounter led to an arrest, where it was felt that a stop and search form was superfluous, or because it was perceived that an individual was unlikely to complain.²⁴
- Of greater concern, in one force officers stated that they continue to conduct "voluntary" searches without completing a record of the encounter despite the fact that both practices are expressly forbidden.²⁵
- Types of offence targeted by the use of stop and search varied between forces. For example some forces use the power extensively

²⁴ See also: Bland, et al (2000) *Upping the PACE?*; and FitzGerald (1999) *Searches in London*.

²⁵ See also: Quinton and Olagundoye (2000) *An Evaluation of the Phased Implementation of the Recording of Stops*.

to target drugs offences whilst others regard it as ineffectual in this respect.

Intelligence

- In those forces where the recording of stops had been introduced, it was also seen as a valuable means of gathering intelligence. Few practitioners saw the additional bureaucratic burden as overly cumbersome.
- All groups saw the National Intelligence Model (NIM) as essential to the effective use of stop and search. Despite this, in some forces there was no connection made between use of the NIM and stop and search activity.

Confidence

- Lack of confidence in the use of the power was seen to be a significant factor affecting effectiveness – officers cited that probationers are ‘scared off’ from stop and search because of all the cautionary tone, and diversity awareness issues that are included in the stop and search training. Lack of confidence from an officer when exercising the power was seen to lead to inappropriate use and in turn decreased community confidence in the use of the power.
- In some forces we judged there to be a serious lack of knowledge as the correct usage of stop and search by practitioners.

Supervision

3.24 Front line supervision of the power was seen as critical to success but some forces failed to equip Sergeants with either the resources or the training to fulfil the function. [**See Annex G - Supervisors’ Toolkit**]

- Supervision of stop and search activity was highly variable²⁶. Some practitioners believed that their line managers were not interested in how their officers were using the power. In addition a number saw that no follow up action arose from their submission of stop and search forms. This was in strong contrast to other areas where line managers were seen to take an active interest in the stops and searches conducted by individual officers. In some forces the importance of the supervisory role was strongly acknowledged but effective practice was hampered by the lack of substantive Sergeants in post.

²⁶ See also: Bland, et al (2000) *Upping the PACE?*; and Bottomley, et al (1991) *The Impact of PACE: Policing in a northern force*.

Monitoring

3.25 The majority of forces have powerful IT tools with the ability to provide detailed information. It is important, however, that such information is accessed and used.

Section 95 Statistics

- All forces identified the way the Home Office published Section 95 statistics as unhelpful in that they failed to place the figures within a context. Few practitioners recognised the link between Section 95 figures and their performance of duties. They took no responsibility for the figures and did not see how they linked with their past activities.

Intelligence

- Some forces enter stop and search records directly on to the intelligence system while others require that a separate intelligence log be completed. We would see the former method as good practice.

Community

3.26 Critical to community confidence is opening up clear lines of communication to explain the use of the power to all community groups. To communicate successfully the police require assistance from their criminal justice partners

Past history

- The community attitude to the use of the power was linked to the history of the force working with that community. Communities that had been subject to an inappropriate use of the power in the past wanted reassurance and visible actions to increase their confidence in the police use of the power.

Communication

- Communication was key to community confidence, however the involvement of Police Authorities in the process was varied and we found few practitioners who were aware that the Police Authorities had any role to play.
- Local media had a significant impact upon local policing practice and relationships with local communities.

Improper use

- In a number of forces stops and searches were used as a public reassurance tool and to prevent those who were regarded as creating a public nuisance from gathering in certain locations where reasonable suspicion of a crime was not present. This is an improper use of the power.

Complaints

- Community groups had no faith in the complaints system. They did not seem to be fully aware of how the complaints systems worked, and were unable to cite any other method to complain other than going into a police station.

Monitoring groups

- Local monitoring groups for stop and search can be advantageous in improving community relations but they require a wider remit than stop and search to maintain community involvement.
- Good working knowledge of local communities improved effective use of stop and search and reduced the potential for community tension when the power was exercised.
- Stop and search correctly applied can make a valuable contribution to improving BME community satisfaction with the police.
- All forces found it difficult to find community representatives who fully represented the whole of the community. Some forces had specific difficulties in meaningfully engaging with young people

Credibility

- Key to successful stop and search encounters were credible explanations as to the reasons for the search.²⁷

Asylum seekers

- Greater awareness was needed to be taken in conducting stops and searches with Asylum Seekers who could have a difficult history of relating to the police

²⁷ See also: Stone and Pettigrew (2000) *The Views of the Public on Stops and Searches*; and MORI (2004) *The View of the Public on the Phased Implementation of the Recording of Stops*.

Partnerships

3.27 The police are gatekeepers to the Criminal Justice System, and stop and search activity will have a significant impact on other agencies in the system. Disproportionate police use of stop and search is very likely to be reflected in disproportionate outcomes of the work of other criminal justice agencies²⁸. Working in partnership will result in other agencies influencing the style of policing, which could have a bearing on community confidence.

- Stop and search was seen both by forces and by LCJB representatives as solely as a police activity with limited involvement from Local Criminal Justice Boards or Crime and Disorder Reduction Partnerships.
- To improve community confidence in the use of the power some forces worked in close liaison with other local criminal justice agencies and had strong links with local communities and voluntary sector organisations.

Training

3.28 Training was seen as a significant issue in all the forces we worked with, in particular the training of probationers. [See Training, Supervision and monitoring chapter 4]

- Practitioners in forces with high disproportionality tended to be unsure of how to use the power and expressed the need for training in what constitutes “reasonable suspicion.”²⁹
- Training in Stop and Search varied between forces but in those forces where the Centrex package had been delivered through training sessions (as opposed to distance learning) practitioners emphasised the importance in conducting the stop and search encounter both professionally and courteously³⁰.

6. Observing the cycle of obtaining and using intelligence within forces

3.29 We returned to each of the forces to observe how they use analysed intelligence to inform their decisions on the use of stop and search and how, in turn, the briefing process informed the behaviour of practitioners.

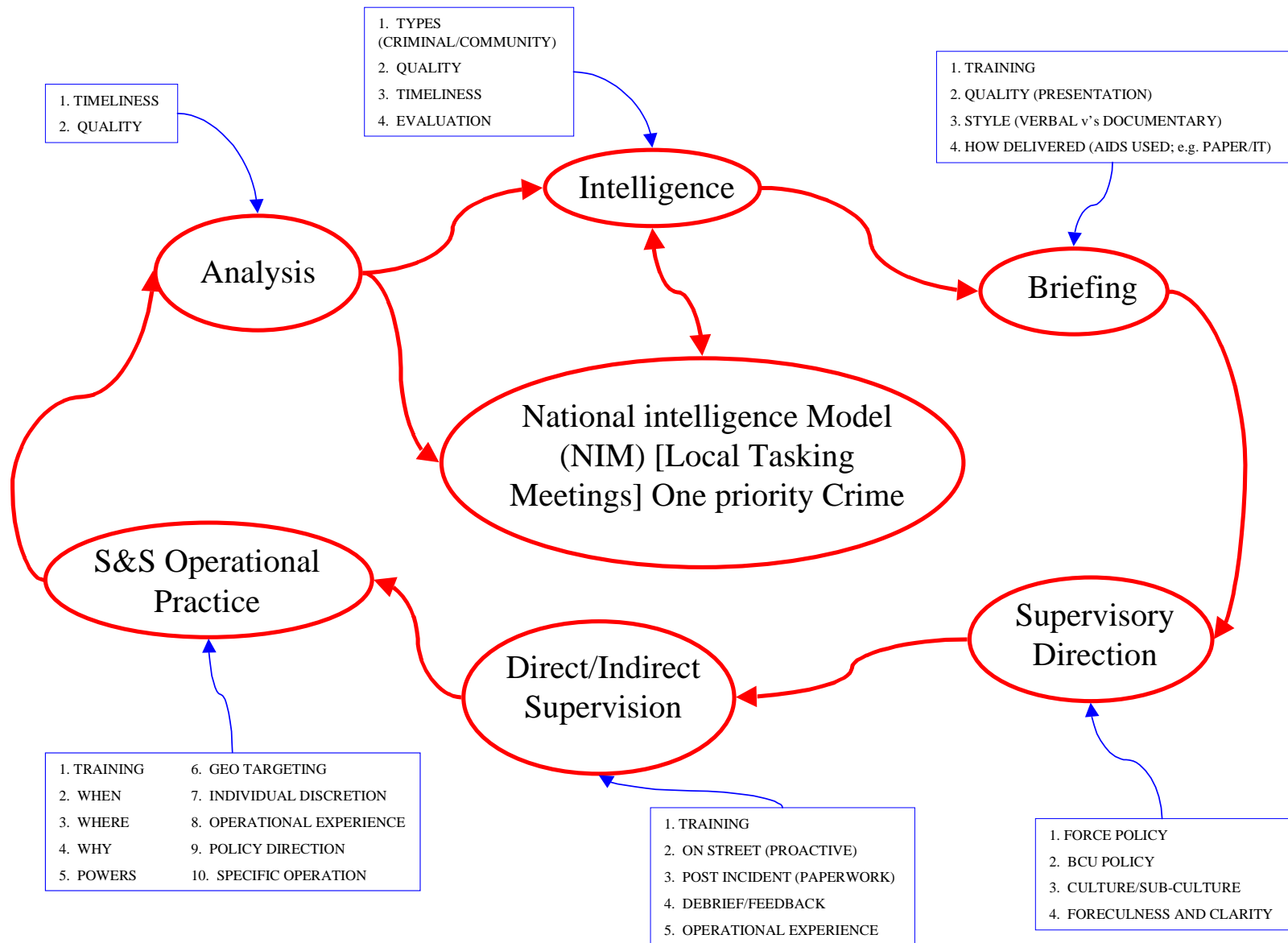
²⁸ See: Bowling and Phillips (2002) *Racism, Crime and Justice*.

²⁹ See also: Quinton, et al (2000) *Stops, Decision-making and Practice*.

³⁰ See: Miller, et al (2000) *Stops and Searches: Lessons from a programme of research*.

DRAFT

The model used is detailed on the following page:



While the approach varied between forces we:

- looked at the process of entering intelligence logs;
- met with force analysts;
- attended tasking meetings;
- attended shift briefings; and
- were attached to operational officers on patrol.

Key pieces of learning from this exercise were:

3.30 Practice

Prolific offenders

- Some forces used tasking and briefing meetings to target stop and search activity against prolific offenders.

Deterrence and disruption

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

Effectiveness

- If we take arrest rate for stop and search under PACE as a measure, the power appears to be effective for relatively minor offences of drugs possession, where the arrest rate is high³¹. However it appears less successful as a tactic against drug dealers, where the arrest rate is low.
- The link between tasking meetings (held weekly) and daily briefings was extremely varied. A number of tasking meetings were observed to produce highly detailed crime analysis but this analysis was not passed on through briefing meetings.
- Some forces weighted tasking meetings heavily towards analysts and contained few senior practitioners or representatives from partner organisations.

Intelligence

- Faith in the intelligence system from practitioners varied. Those practitioners who received feedback from submitted intelligence and who felt they got value out of it were more prepared to invest in the system.
- The application of the National Intelligence Model varied greatly between forces. Full application of the model ensured that the right

³¹ See also: Miller, et al (2000) *The Impact of Stops and Searches on Crime and the Community*.

people were stopped at the right time in the right places thereby increasing effectiveness and eliminating inappropriate disproportionality.

- Intelligence led targeting of persistent active offenders with repeat stops in one force led directly to an increase in disproportionality given the ethnicity of those identified.³²
- Forces are dependant upon valid intelligence from the community. This intelligence may, however, be tainted by inherent prejudice and stereotyping by members of the public.

Discrimination

- We witnessed no overt racial discrimination or racial stereotyping during either a tasking or briefing event.

3.31 Supervision

Simple messages

- Effective monthly reports on stop and search activity were pictorial and easy to understand. Front line supervisors were busy individuals with limited time for reflective work – they therefore required strong simple messages to inform their actions.

Briefings

- The best briefings observed combined oral briefings with a sensible use of IT. Those briefings which encouraged a dialogue between Constables and their supervisors were seen to be the most successful. Briefings were observed where it was clear that officers were not taking in the information and this perception was confirmed during the course of the shift, where officers' activities did not correspond with information given in briefings.
- From what we saw, briefings by Sergeants who did not have line management responsibility for those being briefed were less successful in directing the activity of individual officers. This, in turn, led to officers using stereotyping rather than intelligence to direct their actions.
- Good analysis, intelligence systems and tasking meetings were irrelevant to effectiveness and disproportionality if the briefing process had no credibility with operational staff.

³² For the impact of 'low discretion' searches on disproportionality see: FitzGerald (2000) *Searches in London*.

Checking

- The checking of individual stop and search forms by Sergeants varied considerably. The quality of supervision was found to be highest in the force where senior managers paid particular attention to this function – despite the fact that in this force Sergeants checked the greatest volume of forms.
- Forces that had a clear and effective system in place for supervising, processing and inputting stop and search forms were also the forces where supervisors were more aware of the actions of their officers and of stop and search activity within their team.
- Of real concern, in certain forces Sergeants did not view their role as having any particular significance in the process. Many Sergeants in these forces were ignorant as to their statutory responsibilities. By contrast Sergeants in other forces took a keen interest in the activity and regularly checked the records of individual officers for evidence of disproportionality.

Senior Managers

- Scrutiny of monthly figures on Stop and Search by senior managers encouraged front line supervisors to take responsibility for the performance of their team.

3.32 Monitoring

Analysis

- Forces varied in the amount of scrutiny paid to stop and search analysis.

Age

- Age profiles of residents can have a dramatic effect on levels of disproportionality – given that stop and search is disproportionately used against males aged 16-25.³³ .

Monthly variation

- Even in forces with low disproportionality and high levels of BME community confidence in the use of the power monthly performance figures in individual BCU's show dramatic variances in terms of – frequency, disproportionality and arrest rates. It is only when aggregated over time that a clear pattern emerges.

³³ See also: [FitzGerald \(1999\) *Searches in London*](#).

- In some forces the role of crime analyst appeared to be outside the mainstream operational work of the force. Individuals felt marginalised, starved of relevant intelligence and unable to influence officers' behaviour.
- Practitioners felt that neither the Home Office nor ACPO put out a consistent message on the use of Stop and Search. They did not feel that they were supported in using the powers.
- Stop and search forms which sought extensive detail (clothing worn etc) which was not then put on to intelligence systems were counter productive.

3.34 Community

- Forces were working to find a format to publish stop and search information in a manner accessible and understandable to the public. The Police Authority could play a significant and proactive role in this process.
- Poor local knowledge led to a sense of policing being imposed on the community and little perception on the part of individual officers of the effect of inappropriate disproportionality. Officers in some stations we visited continued to stereotype certain racial groups as offenders.
- Communities that were better informed regarding the use of stop and search were generally more supportive of the power.

3.35 Partnerships

- Despite their statutory responsibilities Police Authority influence seemed to be minimal in all but one force.
- One force had developed effective local partnerships through the local authority to ensure a consistent message to the community on Stop and Search

3.36 Training

- There was dissatisfaction in every force about the standard of training in the use of the power for probationary staff. There was a general view that the current initial training course failed to give officers the necessary confidence to exercise the power effectively. This shortcoming was effectively dealt with in some forces by the effective use of tutor Constables.

Consultation questions

Police

Q1 Your comments on the guide at Annex D would be welcomed

Q2 Do you think you could apply this in your own force?

Q3 Would you require assistance on how to complete the process in-house?

Community

Q1. Is this a good example of using the community in analysing police behaviour?

Q2 Do you feel empowered to work with forces on their policies? If not what would help to make this possible?

Police Authorities

Q1 How practicable do you find it to provide information to the community on stop and search?

Q2 What are the barriers to providing this information?

Chapter 4

Training, Supervisors' Role, Monitoring

This chapter gives details of various training packages that forces might use, and also explores the role which supervisors and police authorities should play.

Introduction

4.1 The effective use of stop and search is inextricably linked to the quality and quantity of training received by all officers, from operational constables to senior managers responsible for setting the strategic direction of the use of the power.

4.2 It is important for the training to address the use of those powers that do not require reasonable suspicion before they are enforced, and in doing so it should cover the decision making by senior officers who authorising these powers and the instructions given to officers that are directed to use them.

4.3 To ensure that any training given is effective in changing both the way officers apply the powers and the way managers manage and control officers' use of the power, the training should cover three broad areas:

- Legal powers (this should include the development of the current powers).
- Application, supervision and monitoring the use of the powers (this should include the use of discretion, handling of the encounter and recording requirement).
- Professional and Social skills for using the powers (this should include the historical context of the use of the powers and the impact on different communities).

These areas are even more important for non-reasonable suspicion searches carried out under Section 60 Criminal Justice and Public Order Act 1994 and S44 Terrorism Act 2000.

4.4 How the training is delivered, whether it is classroom based or through distance learning, will depend on the resources available to the force and level of training that officers have already received. It would not be appropriate to recommend one method over another. However, it is imperative that whatever method is used Forces are able to evaluate its effectiveness and show some tangible positive difference in operational practice as a result. This will include the following:

Tutor Constables

4.5 The police service devotes substantial amount of resources to training, therefore it is imperative that any training given is translated into learning. One method of ensuring that is through tutor constables. Properly chosen, trained and with the systems in place to support them, they can be key to ensuring that operational officers use stop and search powers effectively, efficiently and in ways that lead to increased confidence in all communities.

Training packages

4.6 There are a number of good training packages available that would cover the three areas listed in 4.3 above.

4.7 Centrex – Stops and Searches. The Centrex training package is divided in sections that address the training requirements of specific group of officers, from probationers to strategic managers. The package also contains a section on the April 2003 revision of Police and Criminal Evidence Act 1984 (PACE) Codes of Practice A (Code A).

4.8 This is the most comprehensive training package available on the subject. In addition to clearly laying out the responsibilities of officers at the different levels, it outlines the responsibilities of Police Authorities.

4.9 Further, the package points officers to the relevant sections of the Human Rights Act 1998, the Race Relations (Amendment) Act 2000 and the Stephen Lawrence Inquiry Report.

4.10 For more information, contact Neil Stewart on 01423 876745, or Neil.stewart@centrex.pnn.police.uk

4.11 There are a number of other training packages that forces could consider. They place a stronger emphasis on the quality of the interaction between an officer and the person stopped and searched on the street. These training packages include, **'Streetcraft' using the Judgmental Tutor, Theatre Workshops and Mock Town (interactive safety centre) - Dorset (also known as Streetwise')**. 'Streetcraft' referred to above can be described as learned behaviour as a result of officers' experience of their powers and procedures, environmental and geographic factors, and the behaviour of individuals who they target for stop and search.

4.12 Judgmental Tutor – Thames Valley Police. This training examines the officers' decision-making process by using a variety of pre-recorded scenarios that require them to indicate by means of a hand-held signaling device, what action they would take, and when, as the scenario unfolds.

4.13 The scenarios are also designed to test officers' legal knowledge and their decision-making process. Officers are able to discuss and evaluate their decisions with the trainer. The scenarios can be designed to address problems that are specific to an area.

4.14 The training has now been upgraded to the 'Atti-Tutor', which is an attitudinal video/graphics based training system. It is designed to allow the creation of a video/graphics and audio based scenario of situations with decision points where the outcome of the situation can be based upon users' answer to particular questions.

4.15 The Atti-Tutor is available in two formats. One version is created for use in a classroom environment where a trainer controls the Atti-Tutor and responses to the questions are collected via a radio keypad system. The system can be used with up to 1000 keypads, which can be individually registered to a particular student. The other version is designed for single usage. This allows a single user to participate in a scenario and answer questions via the keypad. This version is used on a network where the scenarios can be viewed in such a way as to allow the user to identify patterns or attitudes to decision making. This allows a user to see where common mistakes are being made or where attitudes are wrong.

4.16 The Atti-Tutor can be populated with questions that test the level of learning achieved by users. The questions can be randomly generated, which would help ensure that users do not undermine the validity of the training through memorizing answers to questions that are generated in a linear and sequential fashion.

4.17 The ability to test users at the completion of a training session provides a valuable evaluation tool with which to assess the effectiveness of the training and consequent learning.

4.18 For more details contact Kevin Ellis on 0845 8505505, or at *Kevin.ellis@thamesvalley.police.uk*.

4.19 Theatre Workshop – City of London Police. This training examines the decision-making process of operational officers on the street and because it involves members of the community performing scripted roles, it provides opportunities for those being trained to alter scenarios by redirecting dialogues and sequence of events. This enables officers to experiment and produce different results and outcomes from choosing different approaches to dealing with the same situation.

4.20 For more information contact Steve Dyer on 020 7601 2222, or at *Stephen.dyer@city-of-london.pnn.police.uk*

4.21 Mock Town (Interactive Safety Centre) – Dorset Police. This training combines elements of the Judgmental Tutor with the Theatre Workshop, in the sense that it involves members of the public or actors performing scripted roles in specifically designed and controlled environments. Officers are tested on their ability to deal with different operational situations, including stop and search, and depending on the scenario, they may be required, for example, to use their knowledge, skills and awareness of diversity. The training is carried out in partnership with key agencies.

4.22 For more information contact Bob Boulton, on 01202 222 003 or at *Bob.boulton@dorset.pnn.police.uk*.

Dynamic and interactive

4.23 The Judgmental Tutor, Theatre Group and Mock Town (Streetwise) are dynamic and interactive training that allows officers to practice their knowledge and skill in a structured and controlled environment. The Centrex package can be delivered by means of distance learning, classroom based and a combination of both.

E-learning – NCALT (National Centre for Applied Learning Technologies)

4.25 The National Centre for Applied Learning Technologies is a partnership between the Metropolitan Police Service and Centrex. It was set up to provide police officers and support staff with timely, accurate and valuable e-learning and decision support information. NCALT is a National leader in research and innovation in e-learning and Critical Incident simulation training.

4.26 NCALT launched the new 'Recommendation 61: Stop and Account' Course in December 2004. The course is designed to train police officers, community support officers and special constables in the Metropolitan Police in the new stop and account requirement. This requirement stems from Recommendation 61 of the Stephen Lawrence Inquiry Report. It deals with situations where members of the public are stopped and asked to account for their actions, but where a search or arrest does not take place. The training goes into some detail in relation to the Stephen Lawrence Inquiry and also gives students the opportunity to test their knowledge in a number of operational scenarios.

4.27 The training is available to non-Metropolitan Police personnel through the Centrex website. (www.centrex.police.uk/business/technologies.html) However, it should be noted that the site is designed to be accessed using a secure police email address. Although it is possible to register and open an account using a non-police email address the information on the site does warn that 'there would

be a long delay in opening accounts that do not have a secure police email address’.

4.28 For more information contact the helpdesk on 0800 6921122 or at servicedesk@centrex.pnn.police.uk At the time of writing (January 2005) there were more staff being recruited to work on the helpdesk, which should alleviate the difficulties that people trying to register for an account to use the site have experienced.

Supervision

4.29 Clearly, training is not sufficient without adequate supervision. Research shows that an active supervisory approach appears to most influence officers’ actions and that supervisors leading by example is the best influence on officers’ behaviour.³⁴ (*Engel (2003). How Police Supervisory Styles Influence Patrol Officer Behaviour*). The judgmental tutor, theatre group and streetwise all provide opportunities for supervisors to observe how their officers would use their stop and search powers in certain situations. Although these situations are artificial and officers’ behaviour during them may not truly reflect how they would behave in a real situation, they nonetheless provide a useful guide of how officers’ might behave in a real encounter.

4.30 Although all the mentioned training packages offer some level of supervisory training for sergeants and inspectors, none of them offer any training in monitoring the activities of officers after the events. For example, checking the forms submitted for trends of any inappropriate use of the powers.

4.31 Supervisors should be fully aware of their statutory responsibilities under PACE Code A. The role of the supervisor is threefold: direct checking of the content of forms for accuracy and compliance under PACE; monitoring of their team by analyzing the data; and direct observations, even though front-line policing suffers from ‘low visibility’³⁵

4.32 The supervision of stop and search post-encounter is not and should not be the sole responsibility of sergeants. Code A para 5.2 makes it explicit that officers of senior rank must be involved in supervising the officers on the ground.

4.33 To support officers at all levels with their responsibility for monitoring the use of the powers, the SSAT, in collaboration with ACPO and Police Federation have produced a Supervisors’ Toolkit which is shown in **Annex F**. The Toolkit is designed to provide a systematic way of monitoring stop and search activity – at Force, BCU and individual officer level. With a robust monitoring system in place, forces should be able to meet their requirement under Code A to identify

³⁴ Engel (2003) *How Police Supervisory Styles Influence Patrol Officer Behaviour*.

³⁵ See, for example: Chatterton (1997) *Frontline Supervision in the British Police Service*.

inappropriate behaviour and any discrimination, which should enable them to take appropriate action.

Police Authorities

4.34 PACE Code A states that in order to promote confidence in the use of the powers, Police Authorities and forces must make arrangements for comprehensive statistical records to be scrutinised by representatives of the community and to explain the use of the powers at a local level.

4.35 In their publication titled “*Stop and Search. Asking the Right Questions*”, the Association of Police Authorities pointed out that “surveys undertaken by the APA Stop and Search Sub-Group suggest that few authorities currently monitor stop and search data other than through the existing best value performance indicators. Authorities will wish to consider:

- How and at what level they can most effectively exercise oversight and scrutiny on stop and search issues, including what should be dealt with by the full authority and what issues can best be tackled by more detailed work at committee/panel/working group level;
- How they are going to involve communities in this work.”

4.36 Police Authorities have additional responsibilities under the Race Relations (Amendment) Act 2000, and Recommendations 62 (monitoring, analysing and publishing records of stops and searches) and 63 (undertake publicity campaigns to make public aware of stop and search provisions) of the Stephen Lawrence Inquiry Report.

4.37 There are currently no specific training packages available that would help all authorities to meet these requirements at a consistently high level, but the following publications by the APA offer advice;

- Stop and Search. *Asking the Right Questions*. Lawrence Recommendation 61 – the recording of police stops. Phased Implementation. APA Guide for Police Authorities. 2003. Both can be obtained from the APA by contacting them through, www.apa.info@lga.gov.uk
- APA Guidance on involving communities, which can be found at, <http://www.apa.police.uk/NR/rdonlyres/3AB64E1C-5c90-2d30-9/INVCOMG.pdf> This is valuable reading for police forces.
- Metropolitan Police Authority Scrutiny on Stop and Search. This can be found at, <http://www.mpa.gov.uk/issues/stop-search/scrutiny.htm>

Monitoring

4.38 Monitoring the use of stop and search powers at all levels will ensure that the powers are used fairly and as effectively as possible to control crime and protect communities. Research has argued that management interventions implemented strategically by police forces, including monitoring, have scope to enhance the legitimacy of stop and search.³⁶ The key players in providing the information that would be used to monitor the use of the powers are analysts. Properly directed they could provide information with which:

Supervisors should determine trends and patterns and produce exception reports on their team and officers' use of the powers.

Senior managers should determine the geographic use of the powers, the correlation between their local high crime areas or prolific offenders against the main use of stop and search and any patterns of disproportionality.

The Force should determine in collaboration with their communities the strategic use of the powers to deal with local problem crimes and incidents of public disorder.

Communities

4.39 There are a number of examples of good practice where local communities are being used in training officers on how best to use stop and search.

4.40 In the Mock Town Interactive Training Centres in Bournemouth, Dorset, people from local communities are used in role plays and interact with officers. Officers are able to develop professional and interpersonal skills through direct contact with people from their communities in safe and controlled environments that are nonetheless still challenging.

4.41 In Cleveland, people from the Showman's Guild work with senior managers at Basic Command Unit levels to help officers develop their interpersonal skills and enhance their cultural awareness of this section of the local community.

Race and Diversity – A Strategy For Improving Performance 2004-2009

4.42 The five-year strategy for the Police Race and Diversity Learning and Development Programme was launched by Hazel Bleas at the Association of Police Authorities (APA) annual conference on 24th November 2004. It is the product of extensive consultation, and is being issued by the Home Office, APA & ACPO in conjunction with CENTREX.

³⁶ Bland, et al (2000) *Managing the Use and Impact of Searches: A review of force interventions*.

4.43 The strategy is fundamentally different from the previous approach to community and race relations training. While race necessarily remains the primary focus, the strategy expands the area of work to include other aspects of diversity: gender, sexual orientation, disability, age and religion and belief. It extends to police staff and to the wider police family.

4.44 There is a strong emphasis on the role of leadership, for example, through force diversity champions and the setting up of force programme boards. The assessment of performance also plays a crucial role; at individual level through national occupational standards, and at force and BCU level through the Police Performance and Assessment Framework (PPAF) which is discussed in Chapter 5, and HMIC baseline assessments.

4.45 The focus is to facilitate the development of knowledge, progress understanding, provide skills, challenge attitudes and change behaviour. Dealing competently with race and diversity must become, and remain, a part of every force's core business. At the most basic level, officers and staff need to work effectively with everyone in their local communities in reducing crime.

The strategy is available on the Home Office website:

http://www.homeoffice.gov.uk/crimpol/police/inside/training/race_diversity_prog.html

Consultation questions

Police

Q1 How do you evaluate stop and search training?

Q2 How can you maximise its impact?

Community

Q1 How can communities become more involved in Police training?

Q2 What else can be done to influence police culture?

Q3 Do you think there is too much focus on the powers rather than the technique?

Q4 Do you think it would be beneficial to have young people (those who are predominately stopped and searched) involved in police training on stop and search?

Police Authorities

Q1 What mechanisms do you use to engage and inform your community?

Q2 Did this chapter provide you with a full explanation of your responsibilities? What else would have been useful?

Chapter 5

Data collection and measurement

This chapter explains the PPAF (Police Performance and Assessment Framework) structure, current and future measures relating to stop and search, and details of the data required for the Annual Data Requirement collection.

Measurement through PPAF

Background

5.1 PPAF will be of major importance in judging how well forces are using the power of stop and search. The Policing Performance Assessment Framework (PPAF) is a joint initiative by the Home Office, the Association of Chief Police Officers and the Association of Police Authorities. It was set up to improve the police service's performance by providing:

- full coverage of the complicated nature of policing in a simple, understandable way;
- a balanced and fair structure for performance assessment agreed by the three key stakeholders (us, the Association of Chief Police Officers and the Association of Police Authorities); and
- information that can help to deliver real improvements in policing.

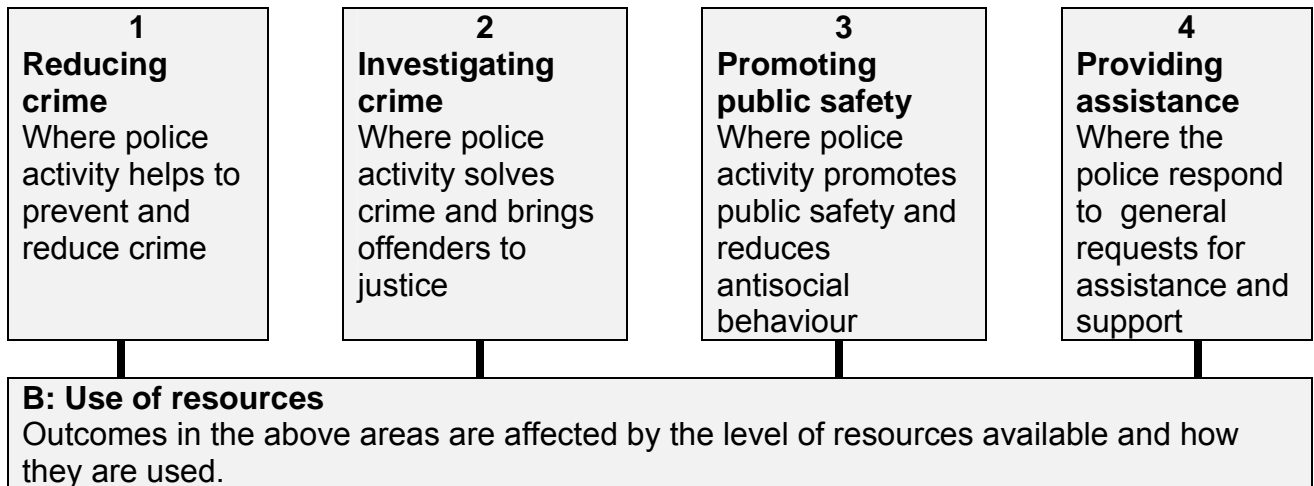
5.2 The PPAF structure is as follows.

A: Citizen focus

This is affected by all other aspects of police performance and reflects the community's satisfaction with service delivery as well as their trust and confidence in the force, plus fairness and equality. There are three parts: user satisfaction, public confidence, and fairness and equality.

Local and national priorities





5.3 When the data for 2004/2005 is available (Autumn 2005), the Home Office will publish the PPAF performance assessments to improve the availability to the public of information about police performance. PPAF will help effective management of the police service both centrally and locally. In assessing performance, the PPAF measures will be supported by the professional judgement of HM Inspectorate of Constabulary (HMIC). From 2004/2005, PPAF will form the basis of HMIC's assessment of forces and basic command units (BCUs).

Stop and search measures in PPAF

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

5.5 From April 2004, forces have been required to report the percentage of PACE stop and searches that lead to arrest, by ethnicity. PPAF will collect the data for all each of the 16+1 ethnic groups. These are as follows:

- Asian – Indian
- Asian – Pakistani
- Asian – Bangladeshi
- Any other Asian background
- Black – Caribbean
- Black – African
- Any other Black background
- White and black Caribbean
- White and black African
- White and Asian
- Any other mixed background
- Chinese

Any other
White – British
White – Irish
Any other white background
Not stated

5.6 In addition to the existing measure, from 2005/6 forces will be required to report the percentage of other stop/searches that lead to arrest, by ethnicity. The resulting information will compare arrest rates for white and ethnic-minority groups. For example:

Force X

12.5% of stops or stops and searches of white people lead to arrest

14% of stops or stops and searches of ethnic-minority people lead to arrest

5.7 Forces will continue to report the number of stops and stops and searches they make. We will then examine this information to help us understand any differences in the arrest rates.

5.8 We also plan to look at how we can develop the arrest-rates indicator to look at any differences in what happens after arrest. This could provide a fuller picture on overall performance. Measuring what happens after an arrest will also take away any incentive for officers to arrest more people as a result of searches than would normally be the case, in order to make the stop and search figures look better.

5.9 A new measure is being considered for piloting in 2005/6 and possible introduction in 2006/7 which would report the percentage of stop and searches that lead to sanction detection, by ethnicity. The development of this measure is dependant on linking stop and search information with data on sanction detections, which is currently being considered by colleagues in PITO (Police Information Technology Organisation). ‘Sanction detection’ can be defined as follows: the person searched gets a charge, summons, Caution, reprimand or final warning, or penalty notice. This definition has been taken from Home Office Research, Development and Statistical bulletin ‘Crime in England and Wales, issue 10/04, which is available on the Home Office website.

Annual Data Requirement (ADR)

5.11 The Annual Data Requirement (ADR) for routine statistical data required from the police service was introduced in 2002, to implement recommendation 38 of the Review of Crime Statistics (Home Office, 2000). The recommendation states that:

A single uniform annual requirement for routine information from the police should be established and maintained by the Home Office in collaboration

with ACPO and other government departments. This should encompass all the routine requirements for information from the Home Office RDS, HMIC, any other parts of the Home Office and other parts of central government as necessary.

The aim of the ADR was to bring all requests for police data across central government together, thereby reducing uncoordinated or duplicate requests for similar information in slightly different formats.

5.12 Ministers have agreed that data on the number of stops by ethnicity will be added to the ADR for 2005/6.

5.13 The Home Office Research, Development and Statistics (RDS) is in the process of drawing up an appropriate form for forces to provide the new data. This will be sent to forces, together with a guidance note on the agreed ADR requirement for 2005/6 in January 2005. Further work will be carried out on developing shared reason and outcome codes for stops during 2005 with the aim of including common codes in future ADR collection.

British Crime Survey (BCS)

5.14 The annual British Crime Survey (BCS) asks randomly selected adults in private households about their experience of victimisation in the previous year. As well as providing statistics on the proportion of people stopped and searched on foot and in a car by ethnicity the BCS contains measures about respondents who were stopped/searched either on foot or in a car asking whether they were satisfied with the way the police handled the matter. The BCS is seen as an important alternative to police records.

5.15 From 2005/06 we aim to include questions to all respondents on community confidence in the use of stop and search.

Public Service Agreements

5.16 Public Service Agreements (PSAs) set out publicly each Government Department's plans to deliver results in return for the investment being made. They provide a clear statement of priorities and direction, and are an integral part of the Government's spending plans.

5.17 From 2004 one of the Criminal Justice System PSAs sets out :

If you are from a Black and Minority Ethnic (BME) background:

- you will have more confidence that criminal justice treats you fairly;
- unjustified racial disparities in stop and search and in sentencing will have been reduced.

Consultation Questions

Police

Q1 Should police authorities publish data locally?

Q2 Are you aware of the different measurement information available on stop and search?

Community

Q1 Did this chapter provide you sufficient detail on the different measures used for stop and search?

Q2 Are you confident that you could access this information easily?

Police Authorities

Q1 Do you feel confident that you can engage with forces and communities in relation to the statistics that come from central Government?

All

Q The use of stop and search is currently monitored by the ethnicity of the person stopped and searched. Do you think it would be appropriate to ask for and monitor the religion of those stopped and searched?

Chapter 6 – complaints

This chapter gives information on complaints processes, and the Independent Police Complaints Commission.

Complaints by the public

6.1 Under the Police Reform Act 2002, there are procedures for handling complaints against the police, which include complaints about the behaviour of police officers and staff involved in stop and search.

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

If a member of the public wants to make a complaint they can:

- Go into any police station and ask for their complaint to be recorded.
- Contact any police force via phone, email or post.
- Contact their local Citizens Advice Bureau, Racial Equality Council, Neighbourhood Warden, Youth Offending Team or Probation Service, all of whom can provide information.
- Contact a solicitor or their MP and ask them to make a complaint for you.
- Nominate a person to act on their behalf (they must have the written consent of the complainant).
- Write to the Chief Constable or Commissioner of the police service concerned, or to the police authority.
- Contact the Independent Police Complaints Commission at:
90 High Holborn
London, WC1V 6BH
Tel: 08453 002 002 (local rate)
Email: enquiries@ipcc.gsi.gov.uk <<mailto:enquiries@ipcc.gsi.gov.uk>>

With the complainants' consent, details of the complaint will be passed to the police force concerned.

Community confidence

6.3 How officers carry out stops and searches has an important effect on community confidence. In 'Police Complaints Authority – Stop and Search Complaints' (Siobhan Davis and Dr David Best, published 23 March 2004), most complaints looked at were about how the officers carried out the stop or the stop and search.

6.4 Around a third of the complainants said that the officers were rude or behaved in an aggressive or threatening way. All officers must realise the damage that just one poorly carried out stop and search can do. If they are aggressive or rude, this will have a negative effect on the person stopped. This also came out strongly in the RDS research.³⁷ This negative effect can extend to the person's family and community. Officers must aim to carry out stops and searches professionally, whatever the circumstances, and be aware of their personal responsibility in using the power.

Data

6.5 Complaint data will allow forces to identify issues that are affecting public confidence from the use of Stop and Search powers. Forces can learn from these complaints rather than only seeing them as a negative issue. Police Authorities have oversight of all police complaints, and a duty to analyse the data.

Intelligence

6.6 In most cases, the police will deal with complaints through their own internal professional-standards processes. Forces need to ensure that complaints are dealt with as intelligence and that they learn from the issues being raised through the complaints system so that issues of public confidence are addressed.³⁸

Independent Police Complaints Commission

6.7 However, in some cases, the Independent Police Complaints Commission (IPCC) may be directly involved by using its own investigators or by directing police investigators. The IPCC will also govern the framework within which such complaints are handled by issuing guidance and so on. The IPCC also have the power to call in a certain category of a complaint, i.e. the IPCC have just asked all forces to refer all complaints that are generated from anti terrorism arrests. This means that complaints get referred to the IPCC to determine the mode of investigation of the complaint.

Guardianship

6.8 The IPCC may also choose to make recommendations on stop and search policy based on its experience and monitoring of the complaints and conduct processes, especially where experiences of stop and search have led to concerns about over broad use or discriminatory use of police powers. This is part of their guardianship role and would disseminate learning to other forces.

6.9 The IPCC should be proactive in setting up and advertising any third party reporting systems that they have developed.

³⁷ Stone and Pettigrew (2000) *The Views of the Public on Stops and Searches*; and MORI (2004) *The View of the Public on the Phased Implementation of the Recording of Stops*.

³⁸ See also: Quinton and Miller (2003) *Promoting Ethical Policing*.

Communication

6.10 In light of the wider powers of the IPCC compared to its predecessor the Police Complaints Authority, forces need to be proactive in ensuring that local residents are confident that they can make a complaint either directly or indirectly through a third party.

6.11 Forces should view an initial increase in the number of complaints from stop and search positively, as most concern officers' attitude rather than abuse of authority.

6.12 In light of item 6.8 above, forces in collaboration with local communities should use the analysed data to develop remedial training for officers, including Police Community Support Officers where necessary.

PACE Code A

6.13 It should be noted that breaking the terms of PACE code A is a disciplinary matter whether or not a complaint has been made by a member of the public.

Information

6.14 For more details on IPCC processes from a police perspective, please visit:

http://www.ipcc.gov.uk/index/policy_information/information_police.html

6.15 For details on how to make a complaint, please visit:

http://www.ipcc.gov.uk/index/making_complaint.html

Consultation Questions

Police

Q : As a police officer does this chapter provide you with sufficient information on how the IPCC can handle complaint cases?

Community

Q : As a member of the community does this chapter provide you with sufficient information on how to go about making a complaint against a police officer?

Police Authorities

Q: How do you use the information on complaints to improve the performance of officers?

Chapter 7

Monitoring and public accountability

This chapter sets out the responsibilities of police authorities in relation to stop and search, and includes a checklist for reference.

Stephen Lawrence Inquiry Report Recommendations

7.1 Recommendation 62 says that records of stops, and stops and searches, should be “monitored and analysed by police authorities..... and the information and analysis published”.

7.2 Recommendation 63 says that “police authorities should... undertake publicity campaigns to ensure that the public is aware of stop and search provisions and the right to receive a record in all circumstances”.

Role of police authorities

7.3 There are three reasons why police authorities should closely monitor how their forces use stop and search powers.

Making sure that policing services are efficient and effective

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

Race Relations (Amendment) Act 2000

7.5 Under this Act, every police authority has a duty to:

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

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

PACE Code of Practice A — Exercise by Police Officers of Statutory Powers of Stop and Search

7.7 PACE code A sets out that police authorities and forces must keep full statistical records of stops and searches. These records will be available for representatives of the community to check and they will help to explain how the powers are used at a local level.

What should police authorities do?

7.8 Research has shown that stop and search is most effective when the police service uses it in a focused and highly intelligence-led way.³⁹ The way officers carry out stop and search is also important – people expect to be treated fairly and with respect and to be given a valid reason for being searched. So, police authorities will want to make sure that they tackle both these elements when they assess how the force is using stop and search powers in their area.

7.9 All police authorities should have effective arrangements in place to monitor how the force uses stop and search. In particular, the authorities will want to consider:

- how, and at what level, they can most effectively monitor stop and search issues, including what should be dealt with by the full authority and what issues can best be tackled by more detailed work at committee, panel or working-group level;
- the extent to which force stop and search policies impact on Black and Minority Ethnic communities; and
- how they are going to involve local communities in this work.

7.10 In particular, forces' policy on stops and stops and searches should be seen, agreed and approved by the authority. The police authorities should also oversee force arrangements for all officers to receive training on stop and search.

7.11 Police authorities also have an important role to play in telling local people about stop and search and their entitlement to an immediate record. (For more information, see 'Stop and Search: Know Your Rights – An APA Guide for Police Authorities on Publicity and Raising Awareness. A copy of this can be obtained through the website www.apa.police.uk) This is in line with the authorities' responsibilities under Recommendation 63 of the Stephen Lawrence Inquiry Report. Police authorities should also hold discussions with their communities about how the police use stop and search and how it affects the community's relationship with the police.

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

³⁹ Miller, et al (2000) *The Impact of Stops and Searches on Crime and the Community*.

7.13 The table below shows a checklist of eight areas for police authorities to discuss with their forces and local communities. For further advice and guidance, see ‘Stop and Search - Asking the Right Questions — An APA Guide for Police Authorities’, which has full guidance on monitoring and assessing stop and search, and explanatory notes.

Checklist for police authorities

Issue	Important questions for police authorities
Local stop-and-search policy	<ul style="list-style-type: none"> ➤ Has the force policy on stop and search been agreed or approved by the police authority and have they put recording arrangements in place?
Force and authority race equality scheme (RES)	<ul style="list-style-type: none"> ➤ Is stop and search a high priority within the police authority’s and force’s Race Equality Strategy? If not, why is this? ➤ How do the police authority and force plan to involve communities, including those most affected by stop and search, in assessing the effects of stop and search policies?
Training	<ul style="list-style-type: none"> ➤ Is the police authority satisfied that the force has put in place appropriate arrangements for training officers?
Supervision	<ul style="list-style-type: none"> ➤ Is the police authority satisfied that the force has arrangements in place to supervise officers using stop and search and are they monitored at all levels?
Force monitoring and data collection	<ul style="list-style-type: none"> ➤ Is the police authority satisfied that the force has systems in place for collecting, analysing and monitoring data on stop and search for individual officers?
Authority monitoring and scrutiny	<ul style="list-style-type: none"> ➤ Does the police authority have effective arrangements in place for monitoring stop and search?
Involving communities	<ul style="list-style-type: none"> ➤ How is the police authority going to involve local communities in monitoring stop and search data? ➤ How will this be built into the police authority’s wider consultation and community-involvement strategy? ➤ What will the police authority do with the feedback it receives from communities?
Raising awareness	<ul style="list-style-type: none"> ➤ What is the police authority doing on a day-to-day basis to raise communities’ awareness of their rights when they are stopped and searched? ➤ Is the police authority using the Association of Police

	Authorities publicity material?
Intelligence	➤ Are the Police Authority satisfied that the police are effectively monitoring their intelligence for using stop and search?
Complaints Figures	➤ Have the force learned from the complaints that they have received. ➤ Have issues that have been identified through complaints been addressed, i.e. more training on the use of stop and search powers, or diversity training.

Consultation and community involvement

7.14 Previous Home Office research has highlighted the importance of community consultation and involvement for public trust and confidence in stop and search.⁴⁰ PACE Code A also places a responsibility on forces, in consultation with police authorities, to arrange community representatives to monitor stop and search records, and to explain how the powers are used at local level.

7.15 There should generally be a clear reason for involving the community, but the community's involvement and advocacy is important in itself and should be encouraged where possible. Community involvement can be useful in raising concerns and passing information to local communities. This 'partnership' approach also gives us the opportunity to tackle local people's specific concerns. The following are some specific areas that forces could look into.

- Giving explanations for disproportionality where it exists.
- Developing effective consultation with the local community about police operations through the independent advisory groups or their equivalent.
- Developing channels for public feedback and encouraging complaints from the public (as well as confidence in the complaints system itself).
- Community members being actively involved at either grass-roots or strategic level to develop ideas and to question police practice (such as scrutinising operations or developing policies).
- Running joint projects with the public with an agreed and shared agenda.

7.16 We recommend that you read the Home Office publication, 'Recording of Stops – Implementation Guide'. This assessment of how recording stops was gradually introduced highlighted good practice in community consultation in the Metropolitan Police Authority and Metropolitan Police Service.

⁴⁰ Bland, et al (2000) *Managing the Use and Impact of Searches: A review of force interventions*.

Public Consultation questions

Police and Community

Q1 Does this provide you with sufficient information on the role of the Authority and community?

Police Authority

Q1 How regularly do you scrutinise your forces' stop and search records?

Q2 How have you gone about raising awareness in the community?

Frequently Asked Questions – Not a ‘stop’

Scenario	Answer
<p>What if we go to an area and there are 20 plus youths present and we give them an instruction to leave the area?</p>	<p>You are not asking any of the youths to account for themselves therefore no record required. The training pre-read has a similar example where the officer says ‘what are you up to?’ – clearly wholly impracticable to complete forms (pocket notebook entry would suffice).</p>
<p>You respond to a report of a fight outside a public house. On arrival at the scene, there are a group of approximately 20 people milling around in the street, you approach a number of members of this group to ask them if they know anything about the reported incident, and what they were doing there at that time.</p>	<p>No – You are seeking to establish the background to an incident.</p>
<p>What if a public order situation develops with subjects other than the person I have engaged with, do I ask them to remain?</p>	<p>There is no power to require people to ‘remain’ and it is addressed clearly by the Code of Practice 4.1</p>

Scenario	Answer
<p>What if a person or group of people deliberately engage with a police officer and request a written record in order to distract or deter the officer carrying on his duties?</p>	<p>The requirement to produce a record is an important safeguard. PACE Code A recognises that there are situations when a person may request a written record even when the encounter does not constitute a stop. But the Code also recognises that there may be exceptional circumstances, which make it impracticable to do so because of, for example, public order situations or the officer's presence is required urgently elsewhere.</p>
<p>A person is simply warned about a traffic violation, say a faulty light?</p>	<p>No. This doesn't fall into the category of a recordable encounter. The officer isn't asking them to account for themselves etc. Any HORT1/VDRS/FP specifically exempt (Code 4.13)</p>
<p>You observe in the space of five minutes three separate vehicles drive past 'road closed' signs onto a road that was under repair. You stop each of these vehicles, speak to the drivers, and advise them in regard to road safety. No further action is required.</p>	<p>No - The drivers have simply been advised about their driving, and not held to account.</p>
<p>A car is observed being driven in an erratic manner. The car is stopped and the occupant spoken to about his driving while a PNC check is carried out. No offences were revealed, and the driver went on his way</p>	<p>If the driver was simply warned about his driving then this is not a 'stop'. Undertaking a PNC check in itself would not necessarily require the officers to ask the person about the ownership of the car.</p> <p>If the person was asked to account for himself, then this</p>

	would be a stop.
A man is apparently drunk and looks in a bad way. An officer asks the person whether he is okay or not?	No record required as officer is not asking person to account for themselves etc.
What if I speak to an informant, do I need to complete a form?	Informants are no different from anyone else. If in a public place and asked to account for themselves then a record must be made. Normal informant contact is covered by other rules and guidelines.

Frequently Asked Questions – ‘stops’

Scenario	Answer
You speak to a group of youths, asking them to account for what they were doing, have a brief chat with them, recorded their names, and asked them to move on.	Yes - This is a stop and would have to be recorded
You come across a vehicle parked in the car park with four young males in or around the vehicle. You carry out a PNC check on the vehicle, checked the driving documents of the driver and spoke to the four youths about their presence there.	Yes – Because the four youths were just asked to account for their presence in the area. However, if only a PNC check alongside a driving document check were carried out, this would not be a ‘stop’.

Frequently Asked Questions - General

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

Glossary of Terms

ACPO	Association of Chief Police Officers
APA	Association of Police Authorities
BCU	Basic Command Unit
BCS	British Crime Survey
CENTREX	The Central Police Training and Development Authority
HMIC	Her Majesty's Inspectorate of Constabulary
Intelligence	The gathering and collating information from a variety of sources to assist police officers in the prevention, reduction and detection of crime and other incidents. It also includes quality of life issues that impact on individuals and groups within communities.
IPCC	Independent Police Complaints Commission
IT	Information Technology
LCJB	Local Criminal Justice Board
NBPA	National Black Police Association
N-CALT	National Centre for Applied Learning Technologies
NCPE	National Centre for Policing Excellence
PACE	Police and Criminal Evidence Act 1984
PC	Police Constable
PPAF	Police Performance and Assessment Framework

Recommendation 61 of the Stephen Lawrence Inquiry

That the Home Secretary, in consultation with Police Services, should ensure that a record is made by police officers of all "stops" and "stops and searches" made under any legislative provision (not just the Police and Criminal Evidence Act). Non-statutory or so-called "voluntary" stops must also be recorded. The record to include the reason for the stop, the outcome, and the self-defined ethnic identity of the person stopped. A copy of the record shall be given to the person stopped.

Section 95 Section 95 of the Criminal Justice Act 1991. This requires the annual publication by the Home Office of statistics on race and the criminal justice system.

SMT Senior Management Team at Basic Command Unit level

Stephen Lawrence Inquiry Report (SLIR) The Report of the Inquiry into the matters arising from the Death of Stephen Lawrence (February 1999).

Further information/reference material

MPS Policy on stop and search: A response from the 1990 Trust (October 2004)

Stops and searches under Section 44 Terrorism Act 2000 – a response by the Black Londoners' Forum (December 2004)

Stop and Search: The views and experiences of Black communities on complaining to the police: A study conducted for the MPA (June 2004)

Stop and Search: A community evaluation of Recommendation 61 in the LB Hackney (October 2004)

Four reports

Research reports:

Upping the PACE (2000)- Bland et al

An evaluation of the phased implementation of the recording of stops (2004) – Quinton and Olagundoye

Stops, decision-making and Practice (2000) – Quinton, Bland & Miller

PACE 10 years on: A review of the research (1997)- Brown

The impact of PACE: policing in a northern force (1991)-Bottomley et al

Consent and the legal regulation of policing (1990)- Dixon et al

The case for the prosecution (1991) – McConville et al

Policing the street: stops and searches in North London (1994) – Young

The Brixton disorders 10-12 April 1981- Scarman

The impact of stops and searches on crime and the community (2000) – Miller et al

Reported crime and PACE stop and search activity: An investigation of the possible relationship – Penzer (1999)

Racism, crime and justice (2002) – Bowling and Phillips

Profiling populations available for stops and searches(2000) – MVA and Miller

In proportion(2004) Waddington et al

*Examining stop and search patterns in the City of London (unpublished)
(2004) – Hallsworth and Maguire*

Stop and search (unpublished) (2000) – Bonniface

The views of the public on stops and searches (2000) – Stone and Pettigrew

*The views of the public on the phased implementation of the recording of
stops (2004) - MORI*

Stop and search complaints (2004) - Davis & Best

SSAT – Delivery Board Membership List

Name	Organisation
Bob Broadhurst	Metropolitan Police Service
Doreen Lawrence (Chair)	Independent
Fionnuala Gill/Neil Kingston	Association of Police Authorities
Claire Cooper	Commission for Racial Equality
Rick Naylor	Superintendent's Association
Simon Reed	Police Federation
Adele Kirkwood	
Ray Powell	National Black Police Association
Charlie Hedges	Centrex/NCPE
Craig Mackey	Association of Chief Police Officers
Robyn Williams	HMIC
Hamida Ali	Metropolitan Police Authority
John Thompson	British Transport Police
Ian Bloom	ICTU
Jim Nicholson	SSAT
Samantha Rust	SSAT
Jide Olagundoye/Paul Quinton	SSAT
John Harper	SSAT
Mike Ainsworth/Victor Olisa	SSAT
Helena Pawson	SSAT
Laurence Lustgarten	Independent Police Complaints Commission
Lord Victor Adebawale	Independent

SSAT COMMUNITY PANEL – Membership list

Contact	Organisation
CHAIR Lord Victor Adebawale CBE	Turning Point
Doreen Lawrence	The Stephen Lawrence Charitable Trust
The Baroness Uddin	House of Lords
Massoud Shadjareh	Islamic Human Rights Commission
Ben Bowling	King's College
Iqbal Bhana	Independent
Ken Barnes	100 Black Men of London
Reverend Nims Obunge	The Peace Alliance
Thomas Chan	Race Equality Advisory Panel
Lee Jasper	Equalities and Policing Mayor's Office Greater London Authority
Erinma and Raymond Bell	Community Alliance for Renewal, Inner South Manchester
Andy Hamflett	Lambeth Youth Council
Karen Chouhan	1990 Trust
Desmond Lewis	Black Londoners Forum
Kuwayne Cain	Executive and Professional Network
Sadiq Khan	Muslim Council of Britain

POLICE AND CRIMINAL EVIDENCE ACT 1984

CODE A

**DRAFT CODE A FOR AMENDMENT IN ACCORDANCE WITH
SECTION 67 (2) OF THE POLICE AND CRIMINAL EVIDENCE
ACT 1984**

CODE OF PRACTICE FOR THE EXERCISE BY:

POLICE OFFICERS OF STATUTORY POWERS OF STOP AND SEARCH

**POLICE OFFICERS AND POLICE STAFF OF REQUIREMENTS TO RECORD PUBLIC
ENCOUNTERS**

Commencement - Transitional Arrangements

This code applies to any search by a police officer which commences after midnight on 31 July 2004. Recording of public encounters must be implemented in all force areas by **1 April 2005**. Prior to that date, it is up to individual forces to decide when they implement paragraphs 4.11 to 4.20 of this Code.

General

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

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

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

This code does not apply to:

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

1 Principles governing stop and search

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

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

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

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

1.5 An officer must not search a person, even with his or her consent, where no power to search is applicable. Even where a person is prepared to submit to a search voluntarily, the person must not be searched unless the necessary legal power exists, and the search must be in accordance with the relevant power and the provisions of this Code. The only exception, where an officer does not require a specific power, applies to searches of persons entering sports grounds or other premises carried out with their consent given as a condition of entry.

2 Explanation of powers to stop and search

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

- (a) powers which require reasonable grounds for suspicion, before they may be exercised; that articles unlawfully obtained or possessed are being carried, or under Section 43 of the Terrorism Act 2000 that a person is a terrorist;
- (b) authorised under section 60 of the Criminal Justice and Public Order Act 1994, based upon a reasonable belief that incidents involving serious violence may take place or that people are carrying dangerous instruments or offensive weapons within any locality in the police area;

- (c) authorised under section 44(1) and (2) of the Terrorism Act 2000 based upon a consideration that the exercise of one or both powers is expedient for the prevention of acts of terrorism;
- (d) powers to search a person who has not been arrested in the exercise of a power to search premises (see Code B paragraph 2.3a).

Searches requiring reasonable grounds for suspicion

2.2 Reasonable grounds for suspicion depend on the circumstances in each case. There must be an objective basis for that suspicion based on facts, information, and/or intelligence which are relevant to the likelihood of finding an article of a certain kind or, in the case of searches under section 43 of the Terrorism Act 2000, to the likelihood that the person is a terrorist. Reasonable suspicion can never be supported on the basis of personal factors alone without reliable supporting intelligence or information or some specific behaviour by the person concerned. For example, a person's race, age, appearance, or the fact that the person is known to have a previous conviction, cannot be used alone or in combination with each other as the reason for searching that person. Reasonable suspicion cannot be based on generalisations or stereotypical images of certain groups or categories of people as more likely to be involved in criminal activity.

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

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

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

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

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

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

2.9 An officer who has reasonable grounds for suspicion may detain the person concerned in order to carry out a search. Before carrying out a search the officer may ask questions about the person's behaviour or presence in circumstances which gave rise to the suspicion. As a result of questioning the detained person, the reasonable grounds for suspicion necessary to detain that person may be confirmed or, because of a satisfactory

explanation, be eliminated. [See *Notes 2 and 3*] Questioning may also reveal reasonable grounds to suspect the possession of a different kind of unlawful article from that originally suspected. Reasonable grounds for suspicion however cannot be provided retrospectively by such questioning during a person's detention or by refusal to answer any questions put.

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

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

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

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

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

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

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

Powers to require removal of face coverings

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

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

2.17 An authorisation under section 60AA may only be given by an officer of the rank of inspector or above, in writing, specifying the grounds on which it was given, the locality in which the powers may be exercised and the period of time for which they are in force. The

period authorised shall be no longer than appears reasonably necessary to prevent, or seek to prevent the commission of offences. It may not exceed 24 hours. [See *Notes 10-13*]

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

Searches authorised under section 44 of the Terrorism Act 2000

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

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

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

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

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

2.22 The officer giving an authorisation under section 44(1) or (2) must cause the Secretary of State to be informed, as soon as reasonably practicable, that such an authorisation has been given. An authorisation which is not confirmed by the Secretary of State within 48 hours of its having been given, shall have effect up until the end of that 48 hour period or the end of the period specified in the authorisation (whichever is the earlier). [See *Note 14*]

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

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

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

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

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

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

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

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

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

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

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

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

3 Conduct of searches

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

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

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

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

3.5 There is no power to require a person to remove any clothing in public other than an outer coat, jacket or gloves except under section 45(3) of the Terrorism Act 2000 (which empowers a constable conducting a search under section 44(1) or 44(2) of that Act to require a person to remove headgear and footwear in public) and under section 60AA of the Criminal Justice and Public Order Act 1994 (which empowers a constable to require a person to remove any item worn to conceal identity). [See *Notes 4 and 6*] A search in public of a person's clothing which has not been removed must be restricted to superficial examination of outer garments. This does not, however, prevent an officer from placing his or her hand inside the pockets of the outer clothing, or feeling round the inside of collars, socks and shoes if this is reasonably necessary in the circumstances to look for the object of the search or to remove

and examine any item reasonably suspected to be the object of the search. For the same reasons, subject to the restrictions on the removal of headgear, a person's hair may also be searched in public (see paragraphs 3.1 and 3.3).

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

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

Steps to be taken prior to a search

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

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

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

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

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

4 Recording requirements

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

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

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

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

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

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

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

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

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

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

4.10 The vehicle must if practicable be left secure.

Recording of encounters not governed by statutory powers

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

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

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

4.14 When stopping a person in a vehicle, a separate record need not be completed when an HORT/1 form, a Vehicle Defect Rectification Scheme Notice, or an Endorsable Fixed Penalty ticket is issued. It also does not apply when a specimen of breath is required under Section 6 of the Road Traffic Act 1988.

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

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

4.17 The following information must be included in the record

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

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

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

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

5 Monitoring and supervising the use of stop and search powers

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

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

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

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

Notes for Guidance

Officers exercising stop and search powers

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

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

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

4 *Many people customarily cover their heads or faces for religious reasons - for example, Muslim women, Sikh men, Sikh or Hindu women, or Rastafarian men or women. A police officer cannot order the removal of a head or face covering except where there is reason to believe that the item is being worn by the individual wholly or mainly for the purpose of disguising identity, not simply because it disguises identity. Where there may be religious sensitivities about ordering the removal of such an item, the officer should permit the item to be removed out of public view. Where practicable, the item should be removed in the presence of an officer of the same sex as the person and out of sight of anyone of the opposite sex.*

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

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

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

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

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

Authorising officers

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

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

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

13 It is for the authorising officer to determine the geographical area in which the use of the powers is to be authorised. In doing so the officer may wish to take into account factors such as the nature and venue of the anticipated incident, the number of people who may be in the immediate area of any possible incident, their access to surrounding areas and the anticipated level of violence. The officer should not set a geographical area which is wider than that he or she believes necessary for the purpose of preventing anticipated violence, the carrying of knives or offensive weapons, acts of terrorism, or, in the case of section 60AA, the prevention of commission of offences. It is particularly important to ensure that constables exercising such powers are fully aware of where they may be used. If the area specified is smaller than the whole force area, the officer giving the authorisation should specify either the streets which form the boundary of the area or a divisional boundary within the force area. If the power is to be used in response to a threat or incident that straddles police force areas, an officer from each of the forces concerned will need to give an authorisation.

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

Recording

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

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

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

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

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

ANNEX A SUMMARY OF MAIN STOP AND SEARCH POWERS

POWER	OBJECT OF SEARCH	EXTENT OF SEARCH	WHERE EXERCISABLE
Unlawful articles general			
1. Public Stores Act 1875, s6	HM Stores stolen or unlawfully obtained	Persons, vehicles and vessels	Anywhere where the constabulary powers are exercisable
2. Firearms Act 1968, s47	Firearms	Persons and vehicles	A public place, or anywhere in the case of reasonable suspicion of offences of carrying firearms with criminal intent or trespassing with firearms
3. Misuse of Drugs Act 1971, s23	Controlled drugs	Persons and vehicles	Anywhere
4. Customs and Excise Management Act 1979, s163	Goods: (a) on which duty has not been paid; (b) being unlawfully removed, imported or exported; (c) otherwise liable to forfeiture to HM Customs and Excise	Vehicles and vessels only	Anywhere
5. Aviation Security Act 1982, s27(1)	Stolen or unlawfully obtained goods	Airport employees and vehicles carrying airport employees or aircraft or any vehicle in a cargo area whether or not carrying an employee	Any designated airport
6. Police and Criminal Evidence Act 1984, s1	Stolen goods; articles for use in certain Theft Act offences; offensive weapons, including bladed or sharply-pointed articles (except folding pocket knives with a bladed cutting edge not exceeding 3 inches)	Persons and vehicles	Where there is public access
	Criminal Damage: Articles made, adapted or intended for use in destroying or damaging property	Persons and vehicles	Where there is public access
Police and Criminal Evidence Act 1984, s6(3) (by a constable of the United Kingdom Atomic Energy Authority Constabulary in respect of property owned or controlled by British Nuclear Fuels plc)	HM Stores (in the form of goods and chattels belonging to British Nuclear Fuels plc)	Persons, vehicles and vessels	Anywhere where the constabulary powers are exercisable
7. Sporting events (Control of Alcohol etc.) Act 1985, s7	Intoxicating liquor	Persons, coaches and trains	Designated sports grounds or coaches and trains travelling to or from a designated

			sporting event.
8. Crossbows Act 1987, s4	Crossbows or parts of crossbows (except crossbows with a draw weight of less than 1.4 kilograms)	Persons and vehicles	Anywhere except dwellings
9. Criminal Justice Act 1988 s139B	Offensive weapons, bladed or sharply pointed article	Persons	School premises
<i>Evidence of game and wildlife offences</i>			
10. Poaching Prevention Act 1862, s2	Game or poaching equipment	Persons and vehicles	A public place
11. Deer Act 1991, s12	Evidence of offences under the Act	Persons and vehicles	Anywhere except dwellings
12. Conservation of Seals Act 1970, s4	Seals or hunting equipment	Vehicles only	Anywhere
13. Badgers Act 1992, s11	Evidence of offences under the Act	Persons and vehicles	Anywhere
14. Wildlife and Countryside Act 1981, s19	Evidence of wildlife offences	Persons and vehicles	Anywhere except dwellings
<i>Other</i>			
15. Terrorism Act 2000, s.43	<u>Evidence of liability to arrest under section 14 of the Act</u>	Persons	Anywhere
16. Terrorism Act 2000, s.44(1)	Articles which could be used for a purpose connected with the commission, preparation or instigation of acts of terrorism	<u>Vehicles, driver and passengers</u>	Anywhere within the area or locality authorised under subsection (1)
17. 15. Terrorism Act 2000, s.44(2)	<u>Articles which could be used for a purpose connected with the commission, preparation or instigation of acts of terrorism</u>	<u>Pedestrians</u>	Anywhere within the area of locality authorised
18. Paragraphs 7 and 8 of Schedule 7 to the Terrorism Act 2000	<u>Anything relevant to determining if a person being examined falls within paragraph 2(1)(a) to (c) of Schedule 5</u>	Persons, vehicles, vessels etc.	<u>Ports and airports</u>
19. Section 60 Criminal Justice and Public Order Act 1994, <u>as amended by s.8 of the Knives Act 1997</u>	Offensive weapons or dangerous instruments to prevent incidents of serious violence or <u>to deal with the carrying of such items</u>	Persons and vehicles	Anywhere within a locality authorised under subsection (1)

ANNEX B Self-Defined Ethnic Classification Categories

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

From: CRIME REDUCTION & COMMUNITY SAFETY GROUP, Police Leadership & Powers Unit
FOR MORE INFORMATION CONTACT:
Stop and Search Action Team (020) 7035 5059,
Email: ssat@homeoffice.gsi.gov.uk
THIS CIRCULAR IS ADDRESSED TO:
Chief Officers of Police and the Clerk to the Police Authority
COPIES ARE BEING SENT TO :
Broad Subject: Police Service
Sub Category: Operational Policing

The Home Secretary has set an end date of 1st April 2005 by which all forces must record stops.

In March 2004 the Home Office issued **Recording of Stops Implementation Guide** in response to *Recommendation 61 of the Stephen Lawrence Inquiry Report*.

Recommendation 61 of the Stephen Lawrence Inquiry Report said:

"That the Home Secretary, in consultation with Police Services, should ensure that a record is made by police officers of all "stops" and "stop and searches" made under any legislative provision (not just the Police and Criminal Evidence Act). Non-statutory or so-called "voluntary" stops must also be recorded. The record to include the reason for the stop, the outcome, and the self-defined ethnic identity of the person stopped. A copy of the record shall be given to the person stopped."

The recording of stops was the subject of pilots and evaluation in 2000. The Government accepted the recommendation and in September 2002 the Home Secretary announced that there would be a phased implementation of stops in Selected sites across the country.

The purpose of this circular is to provide guidance on issues that have arisen since the issue of the guide. This circular should be read in conjunction with the Guide and with the evaluation reports: An evaluation of the phased implementation of the recording of stops (Development and Practice Report 23); The views of the public on the phased implementation of recording police stops (Development and Practice Report 22).

The Implementation Guide can be found at <http://www.homeoffice.gov.uk/crimpol/police/system/powers.html> and the evaluation reports can be found at <http://www.homeoffice.gov.uk/rds/dprpubs1.html>.

Definition of a stop

PACE Code A sets out the statutory requirements for officers, forces and police authorities in relation to stop and search. The August 2004 edition of Code A takes account of the requirement to record stops.

Paragraphs 4.11 to 4.20 cover the recording of stops and are reproduced here for ease of reference:

Recording of encounters not governed by Statutory Powers

4.11 It is up to individual forces to decide when they implement paragraphs 4.12 to 4.20 of this Code. However, there must be full implementation across every force prior to 1st April 2005. Consequently, if an officer requests a person in a public place to account for themselves prior to 1st April 2005 and in

an area where the force has not at that time implemented these provision, no record will be completed.

4.12 When an officer requests a person in a public place to account for themselves, i.e. their actions, behaviour, presence in an area or possession of anything, a record of the encounter must be completed at the time and a copy given to the person who has been questioned. The record must identify the name of the officer who has made the stop and conducted the encounter. This does not apply under the exceptional circumstances outlined in paragraph 4.1 of this Code. (Paragraph 4.1 states: 'An officer who has carried out a search in the exercise of any power to which this Code applies, must make a record at the time, unless there are exceptional circumstances which would make this wholly impracticable (e.g in situations involving public disorder or when the officers' presence is urgently required elsewhere). If a record is not made at the time, the officer must do so as soon as practicable afterwards. There may be situations in which it is not practicable to obtain the information necessary to complete a record, but the officer should make every reasonable effort to do so')

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

4.14 When stopping a person in a vehicle, a separate record need not be completed when an HORT/1 form, a Vehicle Defect Rectification Scheme Notice, or an Endorsable Fixed Penalty ticket is issued. It also does not apply under Section 6 of the Road Traffic Act 1988.

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

4.16 The provisions of paragraph 4.4 of this code apply equally when the encounters described in 4.12 and 4.13 are recorded. (Paragraph 4.4 states 'Nothing in paragraph 4.3 (x) (the identity of the officer making the search) requires the names of police officers to be shown on the search record or any other record required to be made under this Code in the case of enquiries linked to the investigation of terrorism or otherwise where an officer reasonable believes that recording names might endanger the officers. In such cases the record must show the officers' warrant or other identification number and duty station').

4.17 The following information must be included in the record

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

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

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

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

In support of the above a table is being developed setting out circumstances when an encounter falls within the definition of a stop. The working draft is annexed to this Circular. Further versions will be available on the Home Office website, and feedback from forces is encouraged via the Stop and Search Action Team email address given above.

Data Collection

In consultation with ACPO it has been agreed that the Annual Data Requirement for 2005/6 will request forces to provide data on the number of stops by ethnicity only. No additional breakdown, i.e. reason or outcome will be required centrally for 2005/6.

Forces will be receiving the data collection forms and accompanying guidance in January 2005.

Codes

It has been agreed with ACPO that the Stop and Search Action Team (SSAT) will work with forces during 2005 to agree common closed-response codes for recording reasons and outcomes. All forces will have the opportunity to contribute to this process so it is informed by operational experience. Once common codes have been agreed, the ADR for future years will request forces to provide data on the

number of stops by reason, outcome and ethnicity.

National Template/Form

SSAT are aware that forces have been developing their own stop forms, usually incorporating them in to existing stop and search forms.

SSAT has been asked to work with forces to explore the need for a national template/form. The SSAT Delivery Board will lead on a review of the forms during 2005. Forces will be consulted before a final decision is made on the introduction of a national template/form.

This work will be undertaken in conjunction with the work on developing common codes.

National Publicity

Following the introduction of the new PACE Code of Practice A in April 2003 which governs the use of stops/searches the APA provided guidance to assist all police authorities to monitor stop and search activity as well as providing an update on the APA "Stop & Search: Know Your Rights" publicity material.

This guidance and publicity material advised that the new Code would introduce the recording of stops on a phased implementation basis starting in seven areas. With the recording of stops set to become mandatory on 1 April 2005 the APA will revise the guidance and publicity material and distribute to all police authorities to reinvigorate local publicity campaigns. This will include credit card-sized leaflets available in different languages and a stock press release which can be tailored to local needs.

Supervision

PACE Codes of Practice make explicit requirements on supervisors, reproduced here for ease of reference:

5.1 Supervising officers must monitor the use of stop and search powers and should consider in particular whether there is any evidence that they are being exercised on the basis of stereotyped images or inappropriate generalisations.

Supervising officers should satisfy themselves that the practice of officers under their supervision in stopping, searching and recording is fully in accordance with this Code. Supervisors must also examine whether the records reveal any trends or patterns which give cause for concern, and if so take appropriate action to address this

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

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

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

Throughout the work of the SSAT it has been evident that the role of the Supervisor is key to ensuring that front line staff carry out Stops and Searches professionally and effectively. Whilst this is perhaps to be expected with good quality line management, SSATs work revealed that effective line managers can positively affect levels of disproportionality.

A flow-chart has been designed to assist Supervisors in meeting these requirements, which is annexed to this Circular. Essentially it provides an audit trail – it does not, however, replace the need for direct supervision of operational staff where appropriate.

Schedule 7 Stops

Ministers are considering whether schedule 7 stops should be included as part of this work. Further advice will be provided as soon as a decision is made.

Community Support Officers

Police staff designated as Community Support Officers under section 38 of the Police Reform Act 2002 are able to undertake stops and must comply with the requirement.

Good Practice Consultancy

We have appointed a contractor to identify and collate any emerging good practice. Interim findings will be incorporated in to the Manual.

Stop and Search Manual

A Stop and Search Manual will be issued for public consultation in mid/end January 2005.

This Document has been published from Lotus Notes



**Summary of Stop and Search
Recording, Monitoring & Reporting
Responsibilities
With effect from
1st April 2005**

No	Circumstances	Classification	Statutory Requirement to Record, Monitor & Report?
1.	An officer has reasonable grounds so stops, detains and physically searches a person.	A SEARCH	Yes
2.	An officer has reasonable grounds so stops, detains but does not search because during questioning the need to search is negated.	A "STOP"	Yes
3.	An officer 'encounters' a person & asks them to account for their actions, behaviour, presence in an area or possession of something.	A "STOP"	Yes
4.	An officer engages with a group of witnesses to establish the background to an incident.	NOT A "STOP"	No
5.	An officer carries out a search under Section 60 of the Criminal Justice and Public Order Act 1994.	A SEARCH	Yes
6.	An officer stops a vehicle (using powers under the RTA 1988) and asks the driver/passengers to account for their actions, behaviour, presence in an area or possession of something.	A "STOP"	Yes
7.	An officer stops a vehicle (using powers under the RTA 1988) as it has committed a moving traffic offence or the officer requires the production of driving documents and a HORT/1, VDRS or	NOT A "STOP"	No

No	Circumstances	Classification	Statutory Requirement to Record, Monitor & Report?
8.	EFPN is not issued. An officer stops a vehicle (using powers under the RTA 1988) as it has committed a moving traffic offence or the officer requires the production of driving documents and a HORT/1, VDRS or EFPN is issued, or an officer requires a specimen of breath under Section 6.	NOT A 'STOP'	No

1. HORT/1 - a 'producer' issued to motorists requiring them to produce their driving documents at a police station.
2. VDRS - Vehicle Defect Rectification Scheme Notice issued to motorists whose vehicle has a minor fault requiring them to remedy that fault and provide confirmation of rectification within a certain period.
3. EFPN - Endorsable Fixed Penalty Notice issued to motorists when penalty points are to be added to their licence, e.g. for speeding.

Circular Number

038 / 2004

This circular is about

Authorisations of Stop and Search Powers under Section 44 of the Terrorism Act

From

CRIME REDUCTION & COMMUNITY SAFETY GROUP
Terrorism and Protection Unit (CBRN & Operations)

Implementation Date

01/07/2004

Issue Date

01/07/2004

For more information contact

Incident Response Team
Terrorism and Protection Unit
0207 273 2351

Email

Email

This Circular is addressed to

Chief Officers of Police

Copies are being sent to

Broad Subject

Terrorism and Organised Crime

Sub Category

Terrorism legislation

Introduction

In October 2003, Liberty brought Judicial Review proceedings against the Metropolitan Police and the Home Secretary concerning the authorisation, confirmation and use of section 44 powers across the Metropolitan Police Area.

Although the initial findings were all in favour of the defendants, the fact that section 44 authorisations were subject to judicial review highlighted the need to evaluate the process and ensure that all authorisations would stand up to similar scrutiny. A number of areas have been identified as requiring particular attention. These include:

- Detail of description of reasons for authorising use of the powers;
- Descriptions and justification of the geographical extent of powers; and
- Provision of information on the operational use of the powers and statistical returns.

The purpose of this circular is to provide guidance on issues to be considered for standard section 44 authorisations with the purpose of ensuring forces consider as wide a range of factors as possible when making an application. The decision to issue an authorisation and the reasons for doing so remain at the discretion of the authorising officer. More general guidance is being issued separately by the Stop and Search Action Team (SSAT). This will include advice on issues which apply to all stop and search powers.

Summary of Section 44 Provisions

Authorisations made under section 44 of the Terrorism Act 2000 allow officers to stop and search vehicles and persons within vehicles (section 44(1)), and pedestrians (section 44(2)). The authorisation may be given only if the authorising officer considers it expedient for the purposes of preventing acts of terrorism. The power conferred allows an officer to search for articles of a kind which could be used in connection with terrorism, whether or not there are grounds for suspecting the presence of such articles (sections 45(1) and (2)).

Authorisations under section 44 must be given by officers of ACPO rank and include the time the authorisation was given, the time and date of expiry (no longer than 28 days from the date on which the authorisation is given), the area covered and the reasons for authorising the powers.

The Secretary of State is informed of the authorisation as soon as is practicable. Ministers then consider the authorisation and decide whether to give confirmation. Authorisations can remain lawful for up to 48 hours without Ministerial approval. If the authorisation is not confirmed within the 48 hours it ceases to have effect at the end of the period or at a time specified by the Minister. If confirmed, the authorisation remains lawful until the point of expiry identified therein.

The form attached at Annex A should be used for all future authorisations

GUIDANCE **Start Times of Authorisations.**

Authorisations begin at the point they are signed, or given orally by the authorising officer. The authorisation, or written copy of an oral authorisation should state the time at which it was given by the authorising officer **and no other time.**

In the case of renewals, there is nothing to prevent an authorisation being given before the expiry of the previous one if this is more practicable. The authorisation would run for a maximum of 28 days from the time of renewal, not the time of expiry

of the previous authorisation

Expiry Time of Authorisations

Section 46(2) of TACT states that the time and date at which an authorisation ends "must not occur after the end of the period of 28 days beginning with the day on which the authorisation is given". Solely for the purpose of calculating a 28 day period, the day on which an authorisation is given is deemed to constitute a full day, regardless of the time it is authorised. An authorisation must therefore end no later than 23.59hrs on the 28th day.

For example: an authorisation given at 09.00hrs on 01/01/04 must end no later than 23.59hrs on 28/01/04. It cannot run until 09.00hrs on 29/01/04.

If an authorisation is for less than 28 days, the authorising officer can nominate any expiry time.

Geographic Extent of an Authorisation

If the force is using the powers in a designated area, this should be clearly defined. Examples of acceptable definitions include:

- an area within a specified radius of a particular site (eg named airport and the area within a 1 mile radius);
 - a divisional area;
- the area within an identifiable boundary (eg an area bordered by named roads.)
 - a specific site (eg the weighbridge at Scotch Corner)

The above are examples and other definitions are perfectly acceptable as long as they provide a clear idea of the geographical extent of the powers. A clear justification for the extent of any radius around the site is required.

If the authorising officer is applying for section 44 powers across the whole force area, then it is a matter of simply stating this. However, sufficient justification is required for using the powers so widely (see below).

Information in Support of an Authorisation

Particular attention should be paid to providing Ministers with a detailed account of the justification for authorising the powers, and information on their prospective use.

This will assist the decision to confirm. Although the background to each authorisation will be dependent on circumstances, the principles that should underpin an authorisation remain the same. In essence these are:

- Intelligence
- Heightened terrorist threat
- Target / Symbolic location

The trigger factors for the authorisation will again depend on circumstances, but might include a move to more specific intelligence or a particular event taking place at a symbolic location. Importantly the authorising officer should be clear how the use of section 44 powers will disrupt, deter or detect terrorist action.

There are a number of issues which it would be helpful to consider and address in this section.

For ease of reference, these have been divided under 5 headings:

- (i) Ongoing assessment of the terrorist threat;
- (ii) New information and consideration of circumstances over the period of the authorisation;
- (iii) Description of and reasons for geographical extent of powers;
- (iv) Details of briefing and training provided to officers using the powers, and review of security requirements;
- (v) Practical implementation of powers.

(i) Ongoing general assessment of the terrorist threat

Threat assessments from International Terrorism and Dissident Irish Republican terrorism are provided by JTAC. Assessments of the threat to various aspects of the UK infrastructure (eg aviation, transport, military establishments) are also available.

As well as including details of the ongoing threat assessments, it is useful to provide some context as to how the details within that assessment that have influenced the decision to authorise section 44 powers (eg reiterated threat from international terrorists to UK interests)

Although a high state of alert may seem enough in itself to justify authorisation of powers, it is important to set out in detail the relation between the threat assessment and the decision to authorise. This will show that the authorising officer has fully considered the relevance of an assessment to the authorisation and that the details were available to the Minister when asked to confirm.

(ii) New Information and circumstances over the period of the authorisation

Information relating to recent events that the authorising force feel is relevant to their application, but has not been included in official threat assessments should also be considered.

This could include, for example:

- intelligence that terrorist activity may have increased within the area or with relevance to the area;
- Pronouncements by terrorist organisations that particular interests are targeted;
 - any recent or planned arrests, police action or circumstances which highlight terrorist activity within the area or with relevance to the area.;
- any current situations within the area which there is evidence to suggest could be exploited for terrorist purposes;
 - any officially recognised advice (eg ACPO Advisory Group Message).

In all cases officers should show how the use of section 44 powers are an appropriate response to such situations.

Authorising officers should also consider under this section the type of operations that the powers will be supporting, for example:

- pre-planned intelligence gathering operations;
- protective security operations (eg those surrounding political party conferences, visits of VIPs;
 - ongoing anti-terrorist operations around sensitive areas or sites.

These examples are not exhaustive and the authorisation of powers in other situations where they are required for the prevention of terrorism is at the authorising officer's discretion.

(iii) Reasons for Geographical Extent of an Authorisation

As well as identifying the geographical extent of the authorisation, the authorising officer should also outline the reasons why powers are required in a particular area.

Regularly used examples include:

- Intelligence relating to the particular region/area
- Vulnerable sites (eg airports, military bases etc) - To protect the site itself, to prevent terrorist reconnaissance, to patrol sites from which an attack might be launched.
- Transport networks – to protect transport infrastructure, to disrupt terrorist movement along known routes, to gather intelligence on terrorist movements etc
- Events – to provide protective security at and around a venue (eg party conferences,)
- Proliferation of targets within the force area
- Details of operational requirements which dictate that the powers are necessary in the nominated area.

Again, these are examples and reasons for authorising section 44 powers in a particular area lie with the authorising officer.

Powers should only be authorised where they are absolutely necessary to support a forces anti-terrorism operations.

Special attention should be given to whether the powers are required across an entire force or whether a designated area, or indeed a number of designated areas, can be identified. Where powers are authorised force wide, the authorising officer should explain the reasons in detail for rejecting the option of a designated area and applying the powers more extensively.

(iv) Briefing and Training

The judgement arising from Liberty's Judicial Review proceedings recommended that the Metropolitan Police review their training and briefing in respect of section 44 powers. In light of this, all authorising officers should give a brief outline of how officers involved in the use of the powers are instructed in the parameters of the legislation. The training should address diversity issues and it should be clear how these issues are communicated officers. This information may be static but should be included as routine and updated as necessary

Where forces provide written information to officers on the extent of section 44 powers and their proper use, this information should, where practical, be included as an annex to the authorisation. If for any reason it is not practical to do so (eg, the information is too extensive or part of a presentation which cannot be printed, such as a slide presentation), an outline as described above should be provided.

Forces should show how they tailor training for different officers engaged in the use of section 44 powers. For example, authorisations that cover designated areas and specific anti-terrorist operations may involve the deployment of officers experienced

in the use of terrorism legislation. In contrast, authorisations that cover larger areas will make the powers available to officers who may not be involved in day to day anti-terrorist work. This should be reflected in the background information supporting the authorisation.

Although section 44 powers do not require reasonable suspicion, officers should expect to explain the use of the powers and why they are being used. In pre planned operations it may also be useful to provide information to the public in a leaflet.

(v) Operational use of powers

ACPO TAM has advised forces to conduct security review meetings and the use of section 44 powers should be agreed and the strategy reviewed at this forum. Statistical data on the number of section 44 stops and searches carried out during the period of the previous authorisation (if applicable), including the number of resultant arrests, and if possible charges, under the Terrorism Act 2000 or other legislation should be reviewed regularly and be provided to the Home Office. The table attached at with the form at Annex A provides a template for this information

Forces should regularly assess the community impact of the use of the powers and discuss their use with Independent Advisory Groups, the Police Authority and other significant bodies. Background details should also be given on how the powers fit into the forces overall anti-terrorism strategy on an ongoing basis and for specific operations. It provides useful contextual information to explain how officers and other resources (eg armed patrols, ANPR, road checks etc) will be deployed and the part played by section 44 powers in supporting these operations.

Forwarding Authorisations to Home Office

Before making a decision on the confirmation of an authorisation, Ministers require as much time as possible to consider the circumstances in each case. Authorisations also go through a two step scrutiny procedure at the National Joint Unit and the Home Office. It is essential that the time between an authorisation being given and the time it is received by the Minister is as short as possible.

The authorising force should inform NJU by telephone that an authorisation has been signed, and NJU should in turn inform the Home Office. Authorisations should be sent to the National Joint Unit immediately after they are given and a contact name and telephone number of the drafting officer supplied. This will enable Home Office officials to clarify any points and include these in their submission to the Minister within a reasonable time.

Short Term (under 48 hour) Authorisations

In certain circumstances, forces authorise the use of section 44 powers for fewer than 48 hours, and in these instances there is no statutory legal requirement for Ministerial confirmation.

It is important that neither the police nor the government leave themselves open to judicial challenge on the timing or appropriateness of such authorisations. There is a statutory requirement that Ministers are informed about an authorisation - regardless of its duration – as soon as is reasonably practicable after it has been

given.

In the past short-term authorisations have occasionally been presented to Ministers after the operations to which they pertain have already concluded. Where a short term authorisation is:

- Part of a pre-planned operation
- Authorised in writing and
- Authorised within office hours,

a copy of the authorisation should be forwarded to NJU immediately and subsequently to the Home Office. In these circumstances, we would expect that a period of two hours constitutes a reasonably practicable amount of time for the force concerned to provide details of the authorisation to the Home Office.

In circumstances where, for whatever reason, a copy of the authorisation cannot be forwarded in time for a Minister to receive it within two hours, details of the authorisation should be conveyed to NJU by telephone immediately after authorisation is made. NJU will contact the Home Office to enable Ministers to consider the details of authorisation even if the written document cannot be provided immediately.

Where a written authorisation cannot be provided immediately and details have been provided by telephone, a written copy of the authorisation should be provided by the force as soon as possible thereafter.

**Also available on the Home Office Circulars Website:
www.circulars.homeoffice.gov.uk**

NJU Reference No:.....

Authorisation to Stop and Search – S.44 Terrorism Act 2000

[To be confirmed by the Secretary of State within 48 hours of time of authorisation]

- S.44 (1) Terrorism Act 2000 []
- S.44 (2) Terrorism Act 2000 []
- S.44 (1) & (2) Terrorism Act 2000 []

1. **Force:**

--

2. **Type of authorisation:** Oral [] Written []

3. **Authorisation to run until:**

<i>See Notes for Completion</i>

4. **Location where powers to apply:**

Whole Force area []

Or

Designated area [] *(Please specify – see Notes for Completion)*

Division(s)

.....

Area(s).....

.....

5. **Reason for exercising S.44 powers:**

<i>See Page 2-4 and Notes for Completion</i>
--

6. **Authorising Officer:** Authorising Officers must hold **substantive or temporary** ACPO rank. Officers **acting** in ACPO ranks may **not** authorise the use of S.44 powers

Signature:

Print Name/Rank:

Time Signed:-	Date Signed:-
----------------------	----------------------

7. **Contact Name and Telephone Number:**

8. **Secretary of State Confirmation:**

Date: _____

Time: _____

Explanation of and Justification for geographic extent of authorisation:

Ongoing assessment of terrorist threat:

Justification for authorisation for use of power in area concerned:

Practical use of powers – to include arrangements for training and briefing officers using the power, review procedures where applicable, and the type of operations that the power will support e.g. ANPR, armed patrols, road checks, security of vulnerable sites etc:

Summary of Use of S.44 Powers during the most recent period of authorisation.								
Dates:								
Action	Pedestrians	Vehicles			Ethnicity			
		Vehicles	Drivers	Passengers	White	Black	Asian	Chinese/other
Stops								
Searches								
Terrorism Act Arrests								
Other Arrests								
Charges								
Property Recovered								

Notes for Completion

These Notes are intended to be read in conjunction with Home Office Circular (38/2004) on s.44 TACT 2000 Authorisations

1. *For the purposes of the first 48 hours only* – S.44 authorisations start from the time and date at which they are signed by the Authorising Officer (S.46(1)a TACT). The maximum period of 28 day runs from 0001 on the day of the authorisation NOT from the time at which it is signed (S.46(2) TACT). Where it is intended that the authorisation will run for the maximum period the authorisation will expire at 23.59 on the 28th day.
2. *'Reasons for exercising S.44 power'* should set out the specific purpose of the authorisation, e.g. security at a party conference, sensitive sites such as nuclear or biological facilities, state visits etc. The grounds for the authorisation should then be set out under the headings in pages 2 onwards. This seeks to standardise the presentation of the applications without placing any limitations on existing or future reasons for the use of the power.
3. Where it is anticipated that a S.44 authorisation will run for less than 48 hours the application must still be forwarded to the National Joint Unit (NJU) as soon as possible after signature for the information of the Home Office. (*See Home Office guidance notes on S.44*)
4. There may be occasions where it would be helpful to those reviewing the extent of the authorisation for relevant maps etc to be attached clearly showing the area in question. Where it is necessary for the defined area to be explained in detail then it is acceptable for that information to be added as an appendix to the Authorisation.
5. It must be remembered that the S.44 authorisation is a discloseable document and, as such, care must be taken not to include direct reference to matters that could compromise the broader counter-terrorist activities carried out by Special Branches or allied Agencies. To that end there should be no reference to operation names or to classified briefing material unless absolutely necessary – in which case the authorisation should be protectively marked and handled in strict accordance with Government Security Marking Guidelines. It should be noted that a plethora of operation names and references might delay the Home Office confirmation process while they seek clarification of their nature. For instance, it is sufficient to refer to the existing National Threat Level at the time of the application without the need to elaborate on the basis upon which it was reached or the supporting documentation
6. The National Joint Unit is the single point of contact for of S.44 authorisations with responsibility for passing them to the Home Office for Ministerial endorsement. The NJU is also available to provide advice and guidance on S.44 and associated TACT enquiries. The NJU is a 24 hour facility and may be contacted on **020 7230 4084** or via the MPSB Reserve on **020 7230 2175**.

It is essential that the NJU is notified by telephone of a S.44 TACT Authorisation before it is forwarded by Cluster or Fax, as appropriate.

Stop and Search – Know Your Rights

‘Stop and Search’ and ‘Stops’ can help the police to detect crime and make our communities safer.

What is a ‘stop and search’?

Police officers can stop and talk to you at any time. But they should only search you if they suspect you are carrying:

- drugs;
- weapons;
- stolen property; or
- items which could be used to commit a crime, terrorist act or damage property.

What is a ‘stop’?

*A ‘stop’ is when a police officer asks you **to account for yourself**, i.e. your actions, behaviour, presence in an area or possession of anything.*

Casual conversations, such as when an officer is seeking general information, giving directions, or seeking witnesses do not count as a ‘stop’.

Why me?

*If you are stopped or searched it **doesn’t** mean you have done something wrong. But a police officer must have a **good reason** for stopping or searching you and should tell you what this is.*

There are occasions when police officers can search anyone within a certain area, for example when there is evidence that serious violence could take place there, or a

terrorist threat has been identified. The officer should explain this to you and must be searching for items to be used in connection with terrorism or violence.

You should not be stopped just because of your age, race, ethnic background, nationality, religion or faith, the way you look, the language you speak or because you have committed a crime in the past. If you believe this is the case, you can complain (see “How Can I Complain?”). The only exception to this would be on very rare occasions where there is a specific terrorist threat.

Where can I be stopped and searched?

- in a public place; or
- anywhere - if the police believe you have committed a serious crime.

A police officer can stop a vehicle at any time and ask to see the driver’s licence. If they have good reason to think your car contains stolen goods, drugs, or weapons, they could search it even if you are not there. But the police **must** leave a notice saying what they have done.

If the search causes damage, you can ask for compensation but only if the police didn’t find anything to connect you to a crime.

What happens?

The police officer must normally tell you:

- that you must wait to be searched;
- what law they are using and your rights;
- their name;
- the station they work at;
- why they chose you;
- what they are looking for; and
- that you have a right to be given a record of the stop or search straightaway.

If the officer is not in uniform, they must show you their identity card.

If you are in a public place, you only have to take off your coat or jacket and your gloves, unless you have been stopped in relation to terrorism or in some circumstances where the officer believes you are using the clothing to conceal your identity.

If the police ask you to take off more than this or anything you wear for religious reasons, such as a face scarf or turban, they must take you somewhere out of public view. This **does not** mean you are being arrested. In this case, the officer who searches you must be the same sex as you.

What if I am stopped but not searched?

*If you are stopped and asked to explain your actions, behaviour, presence in an area, possession of anything, or you want a record of having been stopped by a police officer, then the police **must** give you a record, at the time, even if they don't search you (see 'Your right to a record'). The only exception to this is in situations involving public disorder or when the officer's presence is urgently required elsewhere.*

*Stops can also be carried out by Community Support Officers, but they too **must** give you a record at the time.*

Your right to a record

If you are stopped and/or searched, the police must give you a written record straightaway unless, for example, they are called away to an emergency. Or you can get a copy from the police station anytime within 12 months.

*The police **must** write down:*

- **your name or a description of you;**
- **your self-defined ethnic background;**

- the date, time and place of the stop or search;
- why they stopped or searched you;
- when and where they stopped or searched you;
- if they are taking any action;
- the names and/or numbers of the officers; and
- if they searched you what they were looking for and anything they found.

The police will ask for your name, address and date of birth. You do not have to give this information if you don't want to, unless the police say they are reporting you for an offence. If this is the case you could be arrested if you don't tell them.

You will also be asked to say what your ethnic background is from the list of national census categories at the end of this leaflet. You do not have to say what it is if you don't want to. But this information helps show if the police are stopping and searching or stopping people just because of their race or ethnicity.

How can I complain?

If you have difficulty understanding English, for example if you are deaf, then the police must take reasonable steps to ensure that you understand your rights.

*The police should treat you **fairly** and with **respect**. If you are unhappy with how you were treated, you can complain. If you feel you were treated differently because of your race, nationality or ethnic background, you can complain of direct or indirect race discrimination.*

It will help if you keep the record that the police gave you.

You can get advice from, or complain to:

- your local police station;
- your local police authority;
- a Citizen's Advice Bureau;

- your local Race Equality Council;
- the Commission for Racial Equality; or
- a solicitor.

NATIONAL CENSUS CATEGORIES

Asian or Asian British

Indian

Bangladeshi

Pakistani

Other Asian background

Black or Black British

Caribbean

African

Other Black background

Chinese or Other Ethnic Group

Chinese

Any other Ethnic Group

Mixed

White and Black Caribbean

White and Black African

White and Asian

Any other mixed background

White

British

Irish

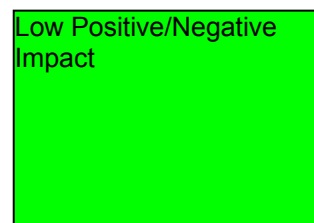
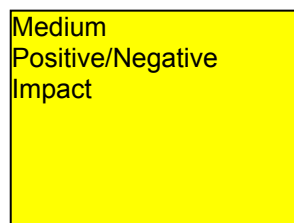
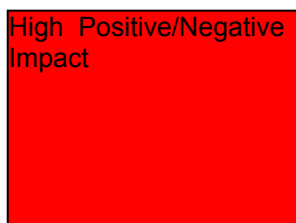
Any other White background

This is a guide to 'stop and search'. It does not cover all of the law.

A Stop and Search template

The following template is based on the Practice Orientated Package and while it is intended to assist all forces to identify the reasons for disproportionality and remedial actions to deal with it, it must be highlighted that this is closely based on what we have observed and experienced in the five Basic Command Units with which we have worked and their respective forces. It must also be emphasized that the remedial actions are as yet untested and have not been evaluated.

The assessment was based on the judgement of the team drawing on the knowledge and experience in the area of stop and search and within the five forces with which we worked. The following key was used for the template:



Factor	Potential impact on effectiveness of Stop and Search	Potential impact on disproportionality of Stop and Search	Appropriate remedial action
POLICY			
P1 Poorly drafted or outdated policy documents on use of Stop and Search	Practitioners lack confidence in conducting Stops and Searches. Greater possibility of illegal searches being conducted	Limited direct impact on disproportionality but if PACE guidelines not adhered to there will be a greater potential for disproportionality	Force policy to be reviewed annually in line with new PACE guidelines. Policies should be up to date, concise, contain an unambiguous statement on the use of the power, be understandable to the community and explicitly lay out key areas of responsibilities.
P2 Force policy on stop and search not a unified vision from Chief Constable to practitioners	High impact with power not used for correct purpose. A significant risk of illegal searches being conducted and a legal challenge to the continued use of the power by the force	Evidence of high impact on disproportionality through a lack of understanding by practitioners as to the purpose of stop and search.	Chief Constable to publish annually a clear force policy statement on the use of stop and search to all practitioners and, to the community via local media.
P3 Force middle managers use quantity of Stop and search encounters as a performance measure	Stops and Searches conducted improperly to artificially raise quotas. Highly ineffective practice	High impact on disproportionality when practitioners are encouraged to look at “soft” or stereotypical individuals to stop and search	Unequivocal policy statement from Chief Constable explicitly stating that the quantity of stops and searches cannot be a performance measure.
OPERATION			
O1 Stop and search activity not linked to National Intelligence Model	Activity becomes a fishing exercise not linked to intelligence. Highly inefficient and wasteful of resources	High impact on disproportionality with officers relying on “gut instinct” and stereotyping to identify suspects	Ensure practitioners activity is exclusively/primarily driven by NIM model. Ensure that NIM is fully implemented and intelligence being fed in is risk assessed.
O2 Practitioners have no confidence in the force intelligence	Intelligence systems can only function effectively if practitioners have confidence in the system	High impact on disproportionality with officers relying on “gut instinct” and stereotyping to	Forces should test officer confidence in the force intelligence system by assessing number of logs submitted. The credibility

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system		identify suspects	of the force analysts is key to success
O3 Poor link between tasking and daily briefing meetings	Only a strong linkage between tasking and briefing meetings leads to effective use of stop and search	Potentially highly significant impact on disproportionality	Regular checks by senior managers to ensure that briefings accurately reflect force tasking priorities and that the relevant information has been digested by operational staff. Ad hoc Interviews of operational staff those leaving briefings would provide this information quickly and effectively.
O4 Specialist officers not fully briefed active within a specific area	Officers not fully briefed locally will not operate effectively	Staff not fully briefed locally more likely to act in a discriminatory fashion	Ensure all operational staff deployed receive the same briefing including specialist staff
O5 Ineffective tasking meetings	Tasking meetings ensure the effective running of stop and search	Tasking meetings have the potential to be the most significant factor in determining the level of disproportionality	The importance and significance of tasking meetings need to be fully appreciated. They require senior staff to be fully engaged. The make up of tasking meetings should be reviewed to ensure a correct balance between analysts practitioners and key partners
O6 Government priorities target specific groups within the community (e.g. street crime initiative).	Potentially stop and search activity directed towards political priorities	Can have a strong affect on disproportionality.	Ensure that all Government priorities are subject to a rigorous local race impact assessment
O7 Stop and search used to target prolific offenders	Some evidence to suggest that a targeted aggressive use of stop and search can be effective in curtailing	Dependant upon ethnicity of prolific offenders	Ensure that intelligence system used is free from racial bias.

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	the activities of prolific offenders.		
O8 Officers responses to people from a different culture	Evidence suggests that officers may take further action outside PACE guidelines against those who are not compliant	Separate studies demonstrate that certain BME groups will be more compliant in their dealings with the police. This lack of compliance could arise from a belief that they will not receive equal treatment	Training needs to ensure that the power of Stop and Search is not improperly used to control behaviour. In addition officers need diversity training to enable them to work in diverse communities.
O9 Stop and search used ineffectively to target certain offences/offenders	Arrest rate figures show that the power has limited effect in the detection of certain offences	Limited impact	Given the potential negative impact on community confidence forces should review the use PACE Stop and Search powers to detect offences where arrest rates fall below 10%
O10 Prejudice or stereotyping from members of the public	High impact on efficiency	High impact on disproportionality	Forces need to ensure that all intelligence is risk assessed in line with NIM and where possible information is assessed in the light of current community tensions.
SUPERVISION			
S1 Poor quality of briefing meetings	Good quality briefing is essential to effective and proper use of the power	High impact on disproportionality with officers relying on “gut instinct” and stereotyping to identify suspects	Supervisor’s performance in briefing practitioners should be seen as integral to their role. Briefings should have clarity and preferably be interactive. Consistency in who conducts briefings whilst not always possible will contribute to more effective briefings
S2 Ineffective management of practitioners by	Poor performance is not checked and good performance is not encouraged	High with the potential for practitioners to behave in a discriminatory manner without	Each force to lay down explicitly the responsibilities of supervisors in accordance with PACE. All supervisors to

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supervisors		effective checks	receive training on the supervision of the activity. Supervisors to check individual officer's records quarterly. Incomplete forms to be handed back to supervisors to ensure completion.
MONITORING			
M1 Publication nationally of Section 95 figures without a context	Practitioners become overly defensive in the use of the power.	Ineffectual in reducing disproportionality	Forces and Police Authorities should take ownership of the figures and put a context around local figures to assist practitioners and communities to understand the primary drivers and inform the change process where appropriate
M2 Forms not completed by practitioners	No flow of intelligence makes process less efficient	Can have a powerful effect on reported levels of disproportionality	Supervisors need to reinforce message to practitioners on the importance of correctly completing and submitting forms. Supervisors should emphasise the fact that any intelligence system is only as good as the intelligence that is fed into it.
M3 Discrepancies between "street" and "resident" population figures	Officers conducting random stops and searches solely on those available to be searched not likely to produce effective results	Street population could have a significant affect on disproportionality especially at the times of day that police conduct Stop and Search activity	In assessing disproportionality forces should make allowances for the "street available population" but care needs to be taken not to use this to explain the totality of disproportionality.
M4 Age profile of resident population	Forces will, appropriately, target those more likely to commit offences (14-25 year olds)	Age profile of the resident population will have a significant effect on disproportionality if there are significant numbers from one particular race within a high	Forces can locally adjust disproportionality figures in each BCU according to the age profile of the resident population.

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

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		community	made aware that the power is to be used and the reasons for using it.
C3 Good working knowledge of local communities	Significant increase in effectiveness in the use of the power with good community intelligence.	Knowledge of local community issues may increase disproportionality in the use of the power. For example if intelligence shows inter community tension the power may be proactively used.	Where power used to deal with specific community concerns but leading to an increase in disproportionality then the community should be informed by the force and the Police Authority the reasons for this use of the power.
TRAINING			
T1 Lack of training in the use of the power for practitioners and front line supervisors	Power used ineffectively, inefficiently and causes needless conflict with the community	Lack of training can link directly to stereotyping of certain racial groups thereby significantly increasing disproportionality	Training package delivered which includes a module on reasonable suspicion
T2 Neither practitioners in forces nor members of the community have confidence in the complaints process	Current complaints process is perceived as being highly bureaucratic and adversarial. Potential for the complaints system to be used constructively and improve the effectiveness of the power not present	Limited affect on disproportionality but reliance by forces on a lack of complaints evidencing community support for the power should be viewed with extreme caution.	Both IPCC and Police Authorities should take a proactive role to increase community confidence and awareness in the complaints procedure

High
Positive/Negative
Impact

Medium
Positive/Negative
Impact

Low
Positive/Negative
Impact

Stops and searches

ACC and above

Authorisation of use of power under Section 44(1) & 44(2) of the Terrorism Act 2000

Superintendent

Can extend a Section 60 CJPO 1994 authorisation by a further 24 hours if deemed necessary

Inspector

- ✘ Authorisation of use of Section 60 CJPO Act 1994 and powers within force area
- ✘ Authorisation must be in writing and must specify time and location
- ✘ Can only grant the authority up to 24 hours
- ✘ Cannot grant an extension

Sergeant

- ✘ Supervise form filling by Constables
- ✘ Scrutinise forms to ensure they comply with PACE/ force policy
- ✘ Take remedial action if forms are not completed correctly or bad practice is identified
- ✘ Brief in the use of powers and operations

Constable

To carry out an effective search **GO-WISELY**

Grounds for search
Object/purpose of search
Warrant card (if in plain clothes)
Identify of officer
Station to which attached
Entitlement to copy of search record
Legal power used
You are detained for the purposes of a search

All officers are able to carry out a Section 60 or Section 44(1) & 44(2) stop and search with authorisation only if in uniform. Officers are able to carry out a Section 1 stop and search in or out of uniform