



<u>Policy Title</u>	Stop and Search
<u>CCMT Sponsor</u>	ACC Local Policing
<u>Department/Area</u>	Local Policing

1.0 Rationale

Stop and search is a valuable tool in tackling criminality. However, its use must be carefully applied to ensure lawfulness and minimise disproportionality.

2.0 Intention

The strategic intention for the use of stop and search is to:

- (a) Detect crime and
- (b) Reduce the number of arrests that would be made by allaying or confirming suspicions without the need to arrest.

In carrying out the above aims the powers will be used in a manner that is lawful, proportionate, reasonable and necessary.

This policy will be effective from 1st January 2011

3.0 General Principles

The aims of the policy are:

- 1) To ensure that the use of the power is an appropriate, efficient and effective use of police resources to detect crime.
- 2) To ensure Thames Valley Police are accountable to the public in the way that stop and search powers are used.
- 3) To reduce race disproportionality in the use of stop and search in Thames Valley to the average of non-Metropolitan forces in England and Wales.
- 4) To increase the proportion of positive outcomes¹ from the use of the power to stop and search.
- 5) To ensure that all officers using these powers understand the law, apply it consistently and are aware of the impact that stop and search powers can have on diverse communities.
- 6) To ensure that accurate and timely data is recorded about the use of these powers.

This policy deals only with the force's expectations in relation to stop and search. It is not intended to deal with all street encounters. This policy does not cover the powers under S60 Criminal Justice and Public Order Act 1994 or S44 Terrorism Act 2000, which are covered in other guidance.

¹ Positive outcomes include all those listed on the outcome codes on the MISS100c plus the avoidance of unnecessary arrests.

4.0 Guidance, Procedures & Tactics

4.1 Operational Officers²

- a) Stop and Search is a valuable tool in tackling crime. Police officers must know the legislation and be confident in the use of their powers.
- b) All stop and searches must be conducted in accordance with PACE Code A. (9.1: Appendix 1).
- c) Police officers are free to stop and speak to anyone in the course of their duties, but the decision to escalate this to a search is a serious one which needs proper justification.
- d) Stop and search should only be used when there are **reasonable grounds to suspect** that a relevant item will be found. This needs thinking through. If grounds do not exist a search must not take place, but this does not preclude the officer from continuing to observe or from speaking to the person. Such activity may then provide grounds that justify a search.
- e) The decision to search can be based on information, intelligence or some specific behaviour of the person concerned. However, other than in the case of a witness description the decision to search cannot be based on personal factors such as someone's age, ethnicity, religion or gender.
- f) Someone's previous conviction(s) cannot be used on its own or with other factors in forming the decision to search³. However, current intelligence of criminal activity may form *part* of the grounds.
- g) Police officers must be aware that the evidence shows that once a person has been searched they may have a lower level of confidence in the police⁴. However, by being polite and clearly explaining the reasons for the search any concerns the person has may be allayed.
- h) 'Disproportionality' describes the higher **rate** of searches among those from minority ethnic backgrounds than from white backgrounds⁵. Disproportionality does not mean that discrimination has occurred, but nevertheless police officers must consider the impact their actions can have on diverse communities' confidence in the police.
- i) The numbers of stop and searches conducted is not a performance indicator.
- j) Stop and search must never be used merely in order to gather intelligence.
- k) Police officers must be briefed on *current* intelligence and taskings. These can support a decision to search. Being in a burglary tasking area is not enough to search, however, if a person is seen hiding something in such an area it may be.
- l) Stopping to speak with the person before beginning a search can help avoid unnecessary searches or may confirm the grounds.

² This guidance is applicable to Police Officers and PCSO's where they have a power to search.

³ See PACE Code A. 2.2.

⁴ P50, 'The Impact of Stops and Searches on Crime and the Community', Miller, Bland & Quinton 2000.

⁵ The race disproportionality ratio is the search rate of black or asian people per 1000 population divided by the search rate of white people per 1000 population.

- m) The justification for a search must be recorded in full on the search form so that an independent person who later reads the form would agree that the search was justified under the law.
- n) Police officers should not underestimate the impact of stop and search on young people or those with disabilities in particular as it may undermine their confidence in the police. Extra care should be taken to explain the reasons for the search.
- o) Police officers must have due regard for the safety of the person being searched, especially where force is used. The searching of mouths is especially dangerous and officers must be conversant with the existing guidance.
- p) The gender of the officer who should conduct the search is described in PACE Code A. However, in the case of transgendered people there is a heightened need for sensitivity and to treat them with dignity. In most cases the appropriate action is to ask what gender of officer they would prefer to do the search.
- q) Search forms must be submitted on the same day to be checked by the Sergeant⁶.

⁶ Ordinarily this should be the submitting officer's first line manager. In their absence the form should be submitted to another suitable Sergeant.

4.2 Sergeants

- a) Stop and search is a valuable tool in tackling crime. Sergeants should lead from the front and show their teams how stop and search powers are to be correctly used.
- b) Sergeants are accountable for the searches carried out by their teams and for the decisions they make when signing stop and search forms.
- c) **Escalation Process.** Sergeants must review the recorded grounds on every stop and search form and decide whether or not the written grounds justify the search. Only then should the form be signed. Where it is not clear that the grounds justify the search, after seeking clarification from the officer, the Sergeant must decide how to address the issue through advice, coaching, training, unsatisfactory performance procedures or reporting for misconduct. The Sergeant must then make a brief entry in the officer's PDR to this effect and then submit the form⁷.
- Sergeants will ensure that when an officer submits 2 unjustified search forms within the current PDR year, the matter is referred to the officer's Inspector to address.
 - Sergeants will ensure that when an officer submits 3 or more unjustified search forms within the current PDR year, the matter is referred to the officer's LPA / OCU commander to address.
- d) Signed stop and search forms must be forwarded to the inputter on the same day.
- e) 'Disproportionality' describes the higher rate of searches among those from minority ethnic backgrounds. Disproportionality does not mean that discrimination has occurred, but nevertheless Sergeants must consider the impact that their team's actions can have on diverse communities' confidence in the police.
- f) Sergeants must monitor the use of stop and search powers and must consider in particular whether there is any evidence that they are being exercised on the basis of stereotyped images, inappropriate generalisations or through discrimination. Sergeants should consider the quality of the searches conducted, the geographical relationship between searches and crime areas and the relationship between officers' searches and arrests.
- g) Sergeants must ensure that no officer is set a performance target in relation to the numbers of stop and searches completed or to the number of stop and searches completed on different sections of the community.
- h) Sergeants must ensure that no officer is given recognition or reward for high levels of stop and search and that low levels of stop and search is not used as evidence of unsatisfactory performance.
- i) When giving briefings Sergeants should debrief the team on some stop and searches from the previous shift. They must highlight cases involving the effective use of stop and search powers and share any learning from those that are unproductive or where the grounds are not made out.
- j) Inspectors are responsible for ensuring that Sergeants are aware of this policy and comply with its requirements.

⁷ If the submitting officer disputes the Sergeant's decision as to whether the search was justified then the form should be referred to the officer's Inspector for clarification. If the reviewing Sergeant is not the officer's line manager then, if the search is not believed justified, the matter should be referred to the officer's own Sergeant to address.

4.3 LPA / OCU Commanders

- a) Commanders are responsible for all stop and search activity on their area⁸.
- b) Commanders must give a clear commitment to the importance and effectiveness of stop and search as a tactic when it is used correctly.
- c) Commanders will ensure that a stop and search Champion is nominated (deputy Commander or an Inspector with appropriate level of experience and commitment).
- d) Commanders are responsible for reducing the levels of disproportionality on their police area and increasing the levels of positive outcomes from searches.
- e) Commanders have a general duty to put a process in place to regularly review the quality of stop and search forms, the quality of the supervision, the impact of stop and search on the public and take appropriate developmental measures.
- f) Commanders must ensure that they identify any operations on their area with the potential to impact disproportionately on minority communities, ensure equality impact assessments are carried out and put measures in place to minimise disproportionality.
- g) Commanders must seek to identify any teams or individuals on their area using their powers disproportionately or inappropriately.
- h) Commanders will review the messages and language used on operational briefings that include mention of the use of stop and search powers.
- i) When an officer has submitted 3 or more unjustified searches the Commander should address the issue with the officer.
- j) Commanders must present and explain the stop and search data for their area to the IAG on a regular basis.
- k) Commanders may be presented with strategic level targets to reduce disproportionality.
- l) Commanders must prevent any officer on their area from setting a requirement or expectation as to the number of stops and searches that must be carried out. There must be no formal or informal targets or expectations as to the levels of search to be carried out on their area and that officers with high numbers of stop and searches are not rewarded for that reason.
- m) Commanders will ensure that this policy is understood by all officers on their area.
- n) Commanders will ensure that all their Inspectors are engaged and made aware of their responsibilities under this policy⁹.

⁸ The term 'area' on this page refers to functional and geographical areas of command.

⁹ This includes ensuring Sergeants' knowledge of and compliance with this policy, dip checking submitted search forms and taking positive steps to minimise disproportionality.

4.4 Thames Valley Police

- a) The force will designate an ACPO rank officer to be responsible for reducing race disproportionality in stop and search.
- b) On a quarterly basis the force will produce a suitable monitoring and analytical product.
- c) The force will set up a single issue force level IAG to review the quarterly monitoring and analytical product.
- d) The force will design and deliver training to all relevant officers on stop and search legislation, the correct use of powers, disproportionality and the impact on race relations.
- e) The force will develop a performance framework to drive down levels of disproportionality and will set strategic level targets to achieve this.
- f) The force will provide Commanders with up to date and accurate information about the use of stop and search in their area.
- g) All complaints relating to the use of stop and search powers will be centrally recorded and each will be reviewed to identify if sufficient and reasonable grounds existed for the search.

5.0 Challenges & Representations

Any challenge or representation in respect of decisions made in relation to this policy should be addressed to the ACC Local Policing, Thames Valley Police HQ, Kidlington, Oxon, OX5 2NX.

6.0 Communication

6.1 Links to Police National Legal Database/Other

This policy should be read in conjunction with the Home Office Stop and Search Manual, PACE Code of Practice A (See 9.1: Appendix 1), Section 1 PACE 1984 in the Police National Legal Database, S23 Misuse of Drugs Act 1971 in the PNLD, S47 Firearms Act 1968 in the PNLD and S43 and S44 Terrorism Act 2000 in the PNLD.

The policy should also be read in conjunction with the guidance in the Police Visual Handbook in relation to what constitutes reasonable grounds for suspicion.

This policy should also be read alongside the Equality and Human Rights Commission's [‘Stop and Think’](#) Report.

This policy should also be read alongside the [NPIA Practice Advice on Stop and Search in relation to Terrorism](#).

6.2 Implementation Strategy (Policy Impact Assessment)

The Policy Management unit will publish the policy onto the policy and procedures intranet site and the TVP website, it will also be advertised in Manager’s Briefing and on the front page of the intranet.

It will be explained to every relevant officer through the force stop and search training. The policy will be circulated to all officers via an all user email and forwarded directly to all functional and geographic commanders.

The policy will be explained at all local management meetings and locally on an ad hoc basis as requested. Force performance will monitor the levels of disproportionality and the use of stop and search in order to monitor the effectiveness of this policy as part of the review process.

7.0 Compliance and Certification

7.1 Human Rights Audit

The legal basis for this document is derived from the Acts of Parliament at 9.2.

It is acknowledged that this policy has the potential to engage the following Articles from the Human Rights Act 1998:

Article 3	Inhumane or degrading treatment
Article 5	Right to liberty and security
Article 8	Right to respect for private and family life
Article 10	Freedom of expression
Article 11	Freedom of assembly and association
Article 14	Prohibition of discrimination

In the event that an Article of the Convention is engaged, then the legitimacy for the engagement is usually provided within the text of the articles. The explanations of possible engagement with each of the articles can be found in the Human Rights Audit.

7.2 Diversity Impact Assessment

A Diversity Impact assessment has been completed for this policy.

7.3 Diversity (Human Resources)

In the application of this policy, the force will not discriminate against any persons on the basis of their gender, sexual orientation, race or ethnic origin, religion, age or disability.

7.4 Management of Police Information (MoPI)

Police Information is information that is held in relation to a Policing Purpose and can be stored on electronic or manual systems. Information will be collected, recorded, evaluated, shared, retained and disposed of in accordance with the MoPI Code of Practice.

7.5 Data Protection

Personal data processed as a result of this policy will be managed in accordance with the provisions of the Data Protection Act 1998. It is acknowledged that 'sensitive personal data' may be processed and this data will be protected in accordance with the requirements of the Act.

Specific Information sharing protocols should be in place to ensure that all disclosures made in accordance with this policy to take into account the individuals legislative rights.

7.6 Freedom of Information Act 2000

This policy is suitable to be made available to the public.

7.7 Protective Markings

Not Protectively Marked

7.8 Health & Safety at Work

This policy is to be read in conjunction with the Force Health and Safety Manual, which sets out the requirement for a documented risk assessment by a competent person, when exposure to a particular hazard arising from workplace or pre-planned policing work activity can be said to be reasonably foreseeable. The risks associated with stop and search are documented in the general risk assessment¹⁰.

8.0 Monitoring and Review

A full review will be carried out every year or when changes occur in legislation, court rulings, examples of good practice, home office circulars, equality data or representations by individuals or organisations.

¹⁰ GRA 1-1 Policing and Streetcraft(v55). Hazard ref. 7.