



Policy Title: Stop and Search

Review Date: December 2017

1.0 Rationale

The primary purpose of Stop and Search powers is to enable Thames Valley Police (TVP) officers to allay or confirm suspicions about individuals **without exercising their power of arrest.**

2.1 Intention

The aims of the policy are:

- To ensure the appropriate and effective use of Stop and Search
- To ensure the use of stop and search is communicated and understood to the communities of the Thames Valley.

3.1 General Principles / Code of Ethics

Powers to Stop and Search must be:

- Used in a fair and proportionate way;
- Targeted, focussed and effective;
- Legal and authorised; and
- Open, transparent and withstand public scrutiny.

Officers will not be tasked or advised to conduct stop and search in general operational briefings or tasking. The decision to conduct a stop and search remains with the officer carrying out the search giving due consideration to the primary purpose of this power.

The number of Stops Searches conducted shall not be taken into consideration as a performance indicator nor as criteria for a specialist post.

The Code of Ethics provides support to each member of the policing profession to deliver the highest professional standards in their service to the public. Everyone, regardless of role or rank, is expected to apply this code to all stop and search activity.

4.1 Guidance & Responsibilities

With reference to the College of Policing (CoP) Authorised Professional Practice Guidelines, CoP Stop and Search APP.

Searching Officers shall:

- Give people subject to a search all the necessary information so they understand why they are being searched.
- Fully record their grounds for conducting the search. 'Reasonable grounds to suspect' must be based on **objective** grounds: an impartial observer viewing the circumstances must be satisfied that the officer had reasonable grounds to suspect they would find the article for which they were searching.
- Ensure the object of the search (the items sought) is specific and **related to the grounds** used for conducting the search.
- If worn, activate Body Worn Video during all Stop Search encounters in accordance with the BWV Operation Guidance.
- Ensure that when a search involves the removal of more than a jacket, outer garment or gloves, the extent of the search is recorded on the record.

When searching children and young people (those aged 17 and younger) the following principles must be applied:-

- Safeguarding principles must be of paramount consideration.
- Officers must take care to explain the purpose of the search in language that is easily understood prior to searching.
- Where a child under the age of 10 is searched, regardless of outcome, a parent or guardian should be informed at the earliest opportunity.
- Where a child under the age of 10 is searched, regardless of outcome, a Child Protection Occurrence must be created.
- Where a child between the ages of 10-17 is searched, the officer completing the search record must consider the creation of a Child Protection Occurrence in line with their safeguarding duties.

Sergeants shall:

- Review every search record within 24 hours of the search occurring. When the searching officer's sergeant (or other supervising officer) is not available the record will be reviewed by another officer of at least Sergeant rank. The reviewing officer must not be the searching officer.
- Satisfy themselves that the search was legal, proportionate and fair and that the form has been fully completed. They must not simply 'rubber stamp' the search record. If the officer reviewing the form decides an officer has not filled in a form properly, they must not endorse the form. Instead they must ensure that any omissions are rectified (if possible), that learning opportunities are maximised, and that the officer fully understands why the form, and possibly the search itself has been challenged. Where any pattern of behaviour is identified consideration should be given to documenting this

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development within the officer's PDR.

- Ensure the search record, once reviewed and actioned where required, is submitted for entry onto the records system during that same tour of duty.

Inspectors shall:

- Dip check search records of their teams to ensure searches are being properly supervised. If the Inspector decides a form has been incorrectly completed or supervised they must take appropriate actions to maximise learning opportunities. Consideration should be given to documenting this development within the searching officer or reviewing officer's PDR.

If, at **any** stage in the administrative process, a form is found to have been incorrectly completed or endorsed, the form will be returned to the searching officer's first line manager for remedial action. The search record may be amended, if appropriate, however any amendments must be clearly shown along with the date of the amendment and the officer making the amendment. Once rectified / noted, the form will be resubmitted into the administrative process. The electronic version of the S & S form allows all updates to be obvious as to being additions after the event.

In this policy reference to forms applies to paper forms for Stop and Searches carried out using a paper pad and also electronic submission for stop and searches using the S & S app on the Smartphone.

Local Police Area/Operational Command Unit Command Teams will:

- Nominate an officer of at least Inspector rank to perform the role of Stop and Search champion/SPOC.
- Ensure the Champion maintains an overview of the LPA/OCU's stop and search performance and compliance with this policy on behalf of the LPA/OCU. This will include:
 - Ensuring officers understand and comply with the provisions of this policy.
 - Maintaining an overview of positive outcomes for their LPA/OCU. ('Positive outcome' includes Arrest, Summons, Caution, Khat/Cannabis Warning, PND/FPN and Community Resolution.)
 - Ensuring an adequate process is in place to review the quality of Stop and Search forms.
 - Identifying operations that may affect disproportionality and record this on the Stop and Search Corporate Memory database;
 - Presenting Stop and Search data and complaints to community consultative groups and other force and community meetings.

Role of Strategic functions

ACC Local Policing is responsible for ensuring governance and oversight and the appropriate use of Stop and Search including opportunities to share organisational learning and the provision of support to a stop and search independent advisory

group.

Chief Superintendent Local Policing will ensure LPAs and OCUs are given support to fulfil their responsibilities in this policy. This support will be provided by the diversity inspector (NP&P) and will include:

- Providing guidance to all staff on the use of stop and search.
- Providing support and guidance to LPA/OCU Champions to fulfil their role
- Maintaining an overview of both national and local performance, direction and initiatives.

The Service Improvement Department will provide suitable management information data to support LPAs and OCUs monitor stop and search activity.

The Organisational Review meeting, held quarterly, will monitor positive outcome, arrest and disproportionality.

5.0 Use of Section 60 of Criminal Justice and Public Order Act 1994

Section 60 Authorisations will only be given by an officer of the rank of ACC or above, who must reasonably believe that incidents involving serious violence will take place, and that such authorisation is necessary to prevent their occurrence. Initial authorisations will apply for a maximum of 15 hours.

Where a section 60 CJPO 94 authority is in place officers should use powers requiring reasonable suspicion where grounds apply. S60 should only be used when the officer is satisfied they cannot meet the threshold of reasonable suspicion. Officers must consider the intelligence linked to the authority and the impact on the individual when deciding to conduct a search without reasonable suspicion and ensure the individual being searched understands why the search is taking place.

For pre-planned events, Gold will consider whether the use of section 60 CJPO 94 powers should be included within tactical parameters in line with the all provisions in this policy. Where the use of section 60 CJPO 94 is considered an appropriate tactical parameter, authority for its use must still be given by an officer of the rank of ACC or above, regardless of the rank held by Gold.

This policy does not apply to authorities under section 60aa CJPO 94 (removal of face coverings) which can be authorised by an inspector or above however it should be noted a 'stand alone' authority under this section does not give a power to search.

6.0 Complaints, Conduct and Public Oversight

All complaints and conduct issues relating to Stop and Search activity will be treated in accordance with associated Stop and Search procedures.

The Force will maintain a Stop Search Independent Advisory Group which will meet at least twice a year to act as a 'critical friend' in relation to the force's use of stop and search.

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The Force invites members of the public to accompany officers in accordance with the Ride Along Policy.

The Force will publish data on how stop and search has been used by TVP.

7.0 Challenges & Representations

Any challenges or representations made under the provisions of this policy should be addressed to:

Local Policing
Thames Valley Police HQ
Kidlington
Oxfordshire
OX5 2NX

8.0 Communication

This policy shall be published on TVP intranet and drawn to people's attention through the Managers Briefing. It shall also be made available on the public TVP website. This policy, upon request, will be made available in Braille or another language.

9.0 Compliance and Certification

Human Rights Audit: This has been considered within the Equality Impact Assessment.

Equality Impact Assessment: an Equality Impact Assessment has been completed.

Management of Police Information (MoPI): Information will be collected, processed and deleted in accordance with MoPI Guidance.

Data Protection: personal data will be managed under the provisions of the Data Protection Act 2018.

Freedom of Information Act: this policy can be issued to the public.

Protective Markings: This policy shall be marked as Official.

Health & Safety at Work: this policy should be read in conjunction with the Force Health & Safety Manual.

10.1 Monitoring and Review

This policy shall be reviewed and revised at least every three years. The next review is due by December 2020.

Monitoring and review considerations include:

- relevant changes in legislation
- relevant Court rulings – domestic, European and Human Rights Monitoring changes as a result of Home Office Circulars
- developments at the ACPO Policy Unit and updates to Authorised Professional Practice (APP)
- examples of good practice from other forces and other organisations and
- representations made by individuals and relevant organisations