



**PS 156**

# **Stop and Search Policy**

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**Version 5.0**

## **Statement of legislative compliance**

This document has been drafted to comply with the general and specific duties in the Equality Act 2010; Data Protection Act; Freedom of Information Act; European Convention of Human Rights; Employment Act 2002; Employment Relations Act 1999, and other legislation relevant to policing.

## **Contents**

Aims and Objectives of the Policy	2
Policy Statement - Stop and Search	3
Definition of a fair and effective Stop and Search encounter	4
Best Use of Stop and Search Scheme (BUSSS)	5
Section 60 searches	6
Recording of Stop and Search and requesting a Stop and Search record	6
Equality Act and Stop and Search	7
Religious Headwear	7
Transgender	7
Stop and Account	8
Complaints relating to Stop and Search and Stop and Account	8
Monitoring of Stop and Search	8
Roles and responsibilities	9
Appendix A - Requesting a copy of a Stop and Search record	10
Appendix B – Roles and responsibilities	11

## **Aims and Objectives of the Policy**

Nottinghamshire Police believes that the powers of stop and search should be used with the support and understanding of all communities and that all members of the public should be treated with dignity and respect at all times, particularly when being searched.

The force aims to understand the proportionality of the searches conducted, increase the effectiveness of the use of stop and search powers by targeting them more effectively through intelligence-based tasking and be both publically accountable for the way in which the powers are used and understand how effective the use of stop and search powers is as a tactic to make communities safer.

Nottinghamshire Police recognises that the use of stop and search powers can have a significant impact upon the trust, confidence and satisfaction of the people of Nottingham and Nottinghamshire – particularly those from Black, Asian and Minority Ethnic backgrounds. As such, the force will work to maximise the confidence of these communities in the service provided.

This stop and search policy supports the appropriate and proportionate use of these powers to target criminality and terrorism. The quality of every stop and search intervention can influence public confidence in the use of police powers and can provide a positive contribution to reducing the fear of crime. By using new technology to record stop and searches we will improve the effective use of resources. This policy will therefore support the Force's three strategic priorities of:

- Engaging Communities
- Providing a Service that Works for Local People
- Being an Employer of Choice.

We will only use our powers when it is necessary, proportionate and lawful to do so in the pursuit of the following legitimate aims:

- In the interests of public safety
- To prevent crime and disorder
- In the interests of national security
- To protect the rights and freedom of others

In the utilisation of our powers we will, both as individuals and collectively, adhere to our **PROUD** values. We will:

Be **Professional**  
Have **Respect** for all  
Work as **One** team  
Work with the **Utmost** integrity, trust and honesty  
Strive to do it **Differently**

The force is also committed to meeting the principles within the College of Policing's Code of Ethics.

## **Policy Statement**

### **Stop and Search**

Legislation allows police officers to conduct a 'stop' of an individual or vehicle and allows them to 'search' that person or vehicle without first making an arrest. This power is extended to Police Community Support Officers (PCSOs) who are able to conduct a stop and search under certain circumstances.

[See also: What powers exist for stop and search, where can they be used and what can be searched for?](#)

All stop and searches must be conducted and recorded in accordance with the Police and Criminal Evidence Act (PACE) 1984 as specified in Code of Practice 'A'. More specifically this Code of Practice details the grounds upon which a stop and search must be based, how the search should be conducted and what must be recorded. The Code of Practice 'A' must be read in conjunction with this policy.

Full details of the Code of Practice A covering stop and search can be accessed using the following link: <http://www.homeoffice.gov.uk/police/powers/stop-and-search/>

The powers of stop and search provide effective and legitimate tools to help detect and deter crime. The National Intelligence Model (NIM) will be used to effectively task officers to be in the right place at the right time, to focus on those crimes which matter most to our communities and which present the greatest risk of harm to our communities, such as violence, offences involving weapons and domestic burglary. As such the intelligence we act upon needs to be current, relevant and appropriate to the circumstances. Management indicators will be set and regularly reviewed, to target the use of stop and search powers into crime types that have the most impact upon community safety.

[See also: Position Statement - An explanation of the focus Nottinghamshire Police is bringing to its use of stop and search powers and the results expected from this activity](#)

[See also: Position Statement - The use of intelligence to direct stop and search](#)

All stops must be carried out with courtesy, consideration and respect for the person concerned, please see the definition of a fair and effective stop and search below. Every reasonable effort must be made to minimise the embarrassment that a person being searched may experience. The co-operation of the person to be searched must be sought in every case, even if the person initially objects to the search.

Legally there is no obligation placed on the person being searched to provide any information to the officer conducting the search. The person stopped may be asked to define their ethnicity as this needs to be contained in the stop and search record for monitoring purposes. Nottinghamshire Police will routinely ask the person being searched for their name and date of birth, but again there is no obligation for the person to provide this personal information. If the information is given it will be recorded.

[See also: Position Statement – How Nottinghamshire Police addresses under-reporting of stop and search](#)

While any member of the public is allowed to observe officers 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 will always be considered.

Should the person being searched object to being observed by a member of the public, the searching officer must introduce measures to maintain the dignity of the searched person. This could include conducting the search out of the view of members of the public or in a suitable police vehicle. The officer will inform the observer that the person being searched has objected to their presence.

[See also: Position Statement: - Searching people at police stations beyond their jacket, overcoat and gloves activity](#)

Every police station will have a room specifically designated to undertake these searches privately, should a closer private location not be available. Custody suites will not be used for the conducting of the searches covered within this policy due to the connotation of the person being searched being under arrest.

## **Definition of a fair and effective stop and search encounter**

Nottinghamshire Police believes that the powers of stop and search should be used with the support and understanding of all communities. Our aim is to increase the effectiveness of the use of stop and search powers by targeting it more effectively through intelligence-based tasking and be both publically accountable for the way in which the powers are used and understand how effective stop and search is as a tactic to make communities safer.

We are committed to ensuring that our use of stop and search powers is fair and effective in line with the definition released by the College of Policing and National Police Chiefs Counsel (NPCC) in 2015:

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

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

## **Best Use of Stop and Search Scheme (BUSSS)**

On 30 April 2014, the Home Secretary announced a Best Use of Stop and Search Scheme (BUSSS) to Parliament. Nottinghamshire Police was one of the earliest adopters of the scheme which aims to achieve greater transparency and community involvement in the use of stop and search powers and support a more intelligence-led approach, leading to better outcomes, for example, improving the stop and search to positive outcome ratio.

The features of the scheme are:

1. Data recording – forces will record the outcome of searches in more detail to show the link or otherwise between the object of the search and its outcome (arrest, caution, Penalty Notices for Disorder etc). [Please see the force website for numerous data reports](#)
2. Lay observation policies – providing opportunities to members of the local community to accompany police officers on patrol where they may use stop and search. [Please see the Stop and Search Lay Observers Policy and the Ride-along Scheme](#)
3. Stop and search complaints 'community trigger' – a local complaint policy requiring the police to explain to local community scrutiny groups how the powers are being used where there are complaints about its use. [Please see the Stop and Search Complaints 'Community Trigger' Policy](#)
4. Reducing section 60 'no-suspicion' stop and searches by:
  - raising the level of authorisation to a senior officer when they reasonably believe that an incident involving serious violence will take place. Ensuring that section 60 stop and search is applied in accordance with case law and only used if necessary – making this clear to the public
  - raising the threshold from 'may' take place to 'will' take place and from 'expedient to do so' to 'necessary to do so'
  - limiting the duration of initial authorisation to 15 hours (from 24)
  - communicating to local communities when there is a section 60 authorisation in advance (where practicable) and afterwards, so that the public is kept informed of the purpose and success of the operation

Please see the [Report on Section 60 activity for 2011/12, 2012/13, 2013/14, 2014/15, 2015/16, 2016/17 and 2017/18.](#)

## **Section 60 searches**

The Criminal Justice and Public Order Act (1994) legislates for Section 60 stop and searches. It is used where there is a fear that serious violence 'may' take place or that persons are carrying dangerous instruments or offensive weapons in any locality in a policing area without good reason. It allows officers to search anyone for weapons or dangerous instruments within a specified geographical area for up to 24 hours where it is 'expedient to do so'. Officers do not need reasonable grounds to carry out a search under this power.

The Best Use of Stop and Search Scheme, whilst not changing the legislation, provides guidance on how Section 60 authorities should be made. Under the legislation, an inspector or above can authorise a Section 60, however this must be reviewed by a superintendent or above. The BUSSS requires that a Section 60 is only authorised by a "senior officer", which for these purposes means an Assistant Chief Constable or higher. The authorisations are limited to a maximum of 15 hours with the potential to extend it for a further nine hours, after which point if necessary and proportionate a new authority would be required to continue to the use of these powers. The other change is that this senior officer 'must believe' that serious violence 'will take place', as opposed to 'may take place'. Nottinghamshire Police is working to the requirements of the BUSSS.

## **Recording of Stop and Search and requesting a Stop and Search record**

Two methods of recording searches are utilised by Nottinghamshire Police:

- i. Electronic recording using data applications on mobile electronic devices.
- ii. Paper recording on form G157 by those officers not equipped with mobile data devices.

Anyone who has personally been stopped and searched or who has had their vehicle searched by a police officer or PCSO is entitled to a record of this search within three months of the search being conducted.

[See also: Position Statement – How Nottinghamshire Police addresses under-reporting of stop and search](#)

The mobile data device does not generate a hard copy record that can be given at the scene of the stop and search encounter. These devices do however allow officers to email the person searched, a copy of the record if they give the officer their email address. Alternatively the mobile data device does issue a Unique Reference Number (URN) which will be written on a receipt and given to the person searched, although if an officer is called away to attend a higher priority incident it may not be possible to issue such a receipt. This receipt may then be used by the person stopped to obtain the full record of the stop and search encounter.

Details of the process for requesting a stop and search record are given at [Appendix A.](#)

## The Equality Act and Stop and Search

When forces carry out any of their duties they must actively work to eliminate unlawful discrimination, harassment and victimisation and take steps to foster good community relations.

The recording and monitoring of stop and search data will allow us to identify and address any disproportionate use of the powers by particular officers or groups of officers particularly in relation to ethnicity and specific sections of the community.

All stop and search powers must be used fairly, responsibly, with respect for people being searched and without unlawful discrimination. The Equality Act 2010 makes it unlawful for police officers and Police Community Support Officers (PCSOs) to discriminate against, harass or victimise any person on the grounds of the 'protected characteristics' of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, or pregnancy and maternity when using their powers.

The Code of Practice provides specific guidance on the removal of religious headwear and identifies considerations, for example, for the searching of transgender individuals. The sections below briefly restate the provisions of the Code of Practice for general information only.

### Religious Headwear

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. The officer's rationale for why they formed the opinion that the garment was being worn to disguise identity should also be recorded in their pocket book or log.

Where there may be religious sensitivities about ordering the removal of head or face coverings, the officer will ensure the item is 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. Officers should enquire sensitively as to whether the person about to be searched does or doesn't have a faith, if they profess a faith, what this faith is should be recorded. Anyone subject to a search is not required to supply details of their religion.

[See also: Position Statement: - Searching people at police stations beyond their jacket, overcoat and gloves activity](#)

[See also: Position Statement: - How Nottinghamshire Police approaches the stop and search of people who are of a different gender to that of the searching officer.](#)

### Transgender

Sensitivity must be shown when conducting searches of transgender individuals to minimise embarrassment, avoid discrimination and promote equality as required under the Equality Act 2010. Guidance on the searching of transgender and transvestite individuals is provided in the [Code of Practice C - Annex L](#).

[See also: Position Statement: - How Nottinghamshire Police approaches the stop and search of people who are transgendered.](#)

## Stop and Account

A conversation held between an officer and a member of the public is **not** a stop and search encounter as covered by this policy, but it may constitute a Stop and Account.

Stop and Account is seen to be an important part of on-street policing and constitutes the next step beyond the general conversations officers have with members of the public every day. During a Stop and Account, an officer will ask questions such as whether the person being spoken to is a witness to an incident, what they are doing and/or why they are in an area, where they are going or what they are carrying. There is no obligation on the person questioned to provide any information.

One purpose of a Stop and Account can be to establish whether there are grounds for an officer to use stop and search powers. Up to the point where the grounds are formally communicated for a stop and search encounter, the officer is classed as either having a conversation or undertaking a Stop and Account. There is no statutory requirement to record either these conversations or a Stop and Account and Nottinghamshire Police does not record details of this activity.

The force will communicate the difference between Stop and Account and stop and search along with examples of the differences between the two encounters.

## Complaints relating to Stop and Search and Stop and Account

Feedback on how we perform our duties is important to us and helps to improve the service we provide. Nottinghamshire Police expects its officers to treat everyone in a professional manner, with respect and dignity.

If a member of the community is not satisfied with the way they or another person has been treated, it is important we are informed. This may be done by:

- Calling Nottinghamshire Police on **101**
- Visiting any Nottinghamshire Police Station
- Contacting the Independent Police Complaints Commission (IPCC) on 0300 020 0096 or using their website at [www.ipcc.gov.uk](http://www.ipcc.gov.uk)
- Contacting the Citizen Advice Bureau at [www.adviceguide.org.uk](http://www.adviceguide.org.uk)
- Visiting our website at <http://www.nottinghamshire.police.uk> and clicking on Contact Us

## Monitoring of Stop and Search encounters

All stop and search encounters are required to be recorded by law. Nottinghamshire Police will make best use of technology to ensure every use of a power to stop and search is recorded accurately and efficiently.

Nottinghamshire Police will be open and transparent in our use of stop and search powers and welcomes scrutiny by independent organisations and our communities in how these powers are used. We will seek and act upon the community feedback by producing stop and

search data at a neighbourhood level. Using existing and new community engagement opportunities, this data will be shared with our communities.

Nottinghamshire Police recognises that the inappropriate use of these powers and any poor treatment of a person being searched damages the trust and confidence of our communities in the service we provide. Confidence can, however, be built when officers are seen to be tackling those crimes that matter to communities and when the powers of stop and search are used ethically, treating people with dignity and respect.

We will ensure that the powers of stop and search are used fairly, impartially and without discrimination.

Nottinghamshire Police will support its officers in the use of stop and search powers by:

- Ensuring officers have up-to-date knowledge of the relevant legislation
- Focusing on effective leadership and supervision to ensure officers are using powers lawfully and proportionately
- Providing the most effective tools possible to record every use of a stop and search power

## **Role and responsibilities**

Ensuring that stop and search encounters are carried out in a proportionate and lawful manner is the responsibility of a number of roles in Nottinghamshire Police.

The responsibilities of the Chief Constable and the force as a whole are given at [Appendix B](#).

The responsibilities of senior police officers are detailed in a separate supporting procedure.

## **APPENDIX A - Requesting a copy of a stop and search record at a police station**

Every person who has been stopped and searched or their vehicle has been searched by a police officer / Police Community Support Officer (PCSO) is entitled to a record of this search within three months of the search being completed.

Two methods of recording searches are utilised by Nottinghamshire Police:

- i. Electronic recording using mobile data applications by officers issued with such devices.
- ii. Paper recording on form G.157 for officers not equipped with mobile data devices.

The use of mobile data devices does not generate a hard copy record to be available at the scene of the search.

A receipt will be given to the person searched using form G2020. This is a credit card-sized information document that includes the details of the officer who conducted the stop and search and a Unique Reference Number (URN). The person searched may then attend a police station and request a copy of the search record.

As the name, date of birth or other personal identifying information is not always recorded during a stop and search, it is necessary that the G2020 receipt is presented to request a record of a stop and search encounter.

Contact Management staff (Front Counter staff) do not have access to the records database so are unable to print a record off for the member of the public.

**In order to obtain a record of the stop and search, if the person searched has provided their personal details, the following must be provided:**

- **the G2020 receipt given at the time of search, and**
- **proof of identity IF the person searched provided their personal details**  
(Photographic proof of identity is preferred, but not essential. Other proof of identity includes utility bills, passport, driver's licence, bank cards, library cards etc)  
The identification document will not be copied or recorded.

**In order to obtain a record of the search, if the person searched has NOT provided their personal details, the following must be provided:**

- **the G2020 receipt given at the time of search**

The person requesting the record has the option of specifying how they would like to receive the information – by email, by post or by personal delivery. Depending on the option selected, they will have to provide an email address, postal address or address for a personal service.

Those requesting a copy of the record should be made aware that email and post should not be considered secure methods of delivery. Additionally, personal delivery will require that proof of identification is provided at the time of delivery.

The searching officer will then be emailed to inform them of the request for the record and the delivery option specified.

If no receipt is readily available and the person did **not** provide their personal details, Nottinghamshire Police will be unable to provide a record of the stop and search unless the applicant can provide the officer's details and date, time and location of the search.

If the person does not have the receipt but provides their personal details along with proof of identity, then a copy of the search record will be provided. This is to protect the privacy of those searched having their records accessed by others not entitled to a copy.

## **Appendix B – Roles and responsibilities**

The Chief Constable has overall responsibility for the appropriate use of stop and search powers. Due to the importance and sensitive nature of this area of policing, the Assistant Chief Constable – Local Policing will take a strategic lead.

### **The Chief Constable will ensure that:**

- There is a clear written policy on the use of stop and search powers and it is communicated, understood and applied by all officers. This policy is readily available to the public and its availability is publicised.
- Frontline officers are conducting street interventions in line with the Police and Criminal Evidence Act 1984 (PACE), force policy, force intelligence and instructions given to them in tasking meetings and briefings, as well as other relevant legislation such as the Human Rights Act 1998.
- Officers are able to explain to local communities the reasons for disproportional application, if any, within their force.
- A summary of all stop and search records is available to members of the public and data are put into a local context for the community.
- Local communities are encouraged to participate in developing stop and search policies, consultations, scrutiny and training.
- Statutory requirements are met for the submission of stop and search data to the Home Office and management information systems are in place, which can be interrogated to provide information on significant trends or disproportional application of the powers.
- There is a training provision to meet the needs of all staff.
- While acknowledging that the sole legal objective is detection, the secondary intelligence value is recognised throughout the force in accordance with the National Intelligence Model (NIM).
- Stop and search data is quality assured at force and divisional level as an integral part of the internal inspections process and externally through the Police and Crime Commissioner, Independent Advisory Groups and through public scrutiny and consultation.
- Central quality assurance and ethnicity monitoring of the data recorded from officers carrying out their powers under Code A is undertaken.

# Administration Registered Owner

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