



**HERTFORDSHIRE**

**CONSTABULARY**

**Standard Operating Procedure Title: Stop & Search.**

<b>Procedure Status</b>	Revised
<b>Owning Department</b>	Crime Reduction & Community Safety
<b>Procedure Author</b>	Inspector Paul Lawrence
<b>Last Review</b>	12/05/2016
<b>Next Review Due</b>	
<b>Procedure Objective</b>	To provide clear guidance for officers dealing with tactical issues which require the use of 'Stop & Search' powers.

**Approved By:**  
ACC Jephson

**Date: 26/08/2014**

**Version Number:** V5

## 1. Background / Introduction

### 1.1 Stop Statement

*Whilst Hertfordshire Constabulary has force wide targets for crime reduction, there are no individual numerical stop and search targets set for officers. Equally, there are no numerical targets for teams, CSPs, LPC, or other departments. The only objective relates to the outcome expected following a stop and search being conducted.*

*Stop Search is a power to be used against those engaged in serious criminality, and on this basis, we would expect to see a greater proportion of stop searches for acquisitive crime and for weapons, rather than low level drugs possession and searches should be focused on the priorities highlighted in the Operational Policing Plan.*

*Stop and Search is an invasive power and should always be conducted with strict reference to Pace Code A and with the highest standards of ethics and integrity.*

*ACC Jephson August 2014*

### 1.2 Hertfordshire Constabulary is committed to using the full range of 'Stop & Search' powers provided by law in the prevention of crime and apprehension of offenders.

*Stop & Search powers are used to look for items such as stolen property, drugs, dangerous weapons and articles used to commit crime. It is an essential tool in preventing crime, serious harm and keeping Hertfordshire safe.*

*Accurate recording provides us with an understanding of where, when and to whom the searches are being conducted. Correct use of the power, transparent recording and publication of the data along with robust internal and external scrutiny improves our legitimacy in the use of the power to protect our community. This is essential to enable us to identify disproportionality and dispel any myths, allegations or perceptions of disproportionality taking place.*

*In the course of their duties officers are entitled to speak to any member of the public. There is no expectation that this activity should be curtailed and officers are positively encouraged to interact with the public at every opportunity.*

*Stop Search is a coercive power which when properly used can legitimately disrupt and detect crime.*

*Stop and Search powers must not be used indiscriminately but should be targeted in line with intelligence led policing principles.*

*There will however be occasions when it is right and proper for officers to act upon their own initiative even though their reasonable grounds are not supported by intelligence.*



## 2. Roles and Responsibilities

### 2.1 Police Officers

Police officers will utilise their powers to search in line with the guidance provided by Code A (Stop and Search) of the Police and Criminal Evidence Act, 1984 (PACE).

It is very important that all Stop & Searches are recorded, whatever the outcome. Where practicable the search will be recorded using the mobile data solution. However, should this application not be available or appropriate officers will use the paper form (12A).

**If a person is arrested as a result of a 'Stop & Search' the arresting officer is personally responsible to ensure that a copy of the search record is included within the custody record.**

All searches will be carried out with courtesy, consideration and respect for the person concerned. Every reasonable effort will be made to minimise the embarrassment that a person being searched may experience. Maintaining the person's dignity is critically important.

Transsexual/transgender people should be treated as they present themselves (either male or female) and their wishes taken into consideration.

The officer conducting the search will consider, as far as practicable, religious or cultural issues or disabilities and how the intrusive nature of the search may impact upon that person. For further information regarding religious and cultural issues officers should refer to the Diversity Awareness on the force intranet.

The co-operation of the person to be searched will be sought in every case, even if the person initially objects to being searched. A forcible search will only be made once the police officer has established that the person continues to be unwilling to co-operate. Reasonable force may be used if necessary to conduct a search or to detain a person or vehicle for the purposes of the search.

Further guidance on interacting with Transgender, Transsexual and Transvestite persons. can be found at the Human Resources/HR Policies and Procedures section on the force intranet

## 2.2 Sergeants / Supervisors

There are two ways in which Stop & Search is recorded, these being via the Mobile data Solution and paper forms. It is the responsibility of a Sergeant / Supervisor to ensure accurate recording has been carried out by the searching officer.

Both can be monitored through the Stop & Search database and management information provided by the Crime Reduction & Community Safety Unit.

Sergeants / Supervisors should check the accuracy and content of all paper forms submitted and return those to officers where the information has not been accurately recorded. Once complete the paper forms should be inputted via the LPC designated person.

## 2.3 Custody Sergeants

If a person is arrested as a result of a Stop & Search procedure, whilst it remains the personal responsibility of the arresting officer to ensure a copy of the search record is included within the custody record, the custody officer retains overall accountability for the accuracy of the record.

## 2.4 Chief Officers

With the introduction of the 'Best Use of Stop Search' Scheme (August 2014) only Chief Officers have specific duties of authorisation in relation to Section 60 Criminal Justice & Public Order Act 1994 which provides police officers with the power to stop and search individuals for offensive weapons or dangerous instruments in anticipation of violence.

Section 60 authorisations may only be authorised for a maximum of 15 hours.

Guidance on the use of S60 Powers whilst contained within the Best Use of Stop Search Scheme, is published in a separate document.

## 2.5 Station Reception Officers (SROs)

Anybody who has been Stopped & Searched is entitled to a copy of the search record for up to 3 months from the date of the search ( except searches conducted under S60 CJPOA where the entitlement will extend to 12 months from the date of the search)and are informed of this by the searching officer at the time. Should the person attend a police station to request a record, SROs can provide them with a printed copy from the Stop & Search database.

**Staff must be satisfied as to the identity of the person requesting the copy of the search record.**

**3.1** It is expected that the majority of Stop & Search activity would be carried out in locations where an up to date intelligence picture would support the use of the power.

Daily intelligence briefings should provide this information to frontline staff.

Searches should be done in a targeted, fair, respectful and transparent manner and the person's dignity maintained throughout. Officers conducting searches must ensure those being searched fully understand the reasons why. Explanations of why searches are being conducted in a particular location may include things such as the problem profile for the area or recent crime trends. When people understand the reasons why they are being searched they are more likely to be co-operative, negating the need to use force. This transparency is essential to ensure myths, allegations or perceptions of disproportionality are dispelled. Research supports the fact that where a search is conducted well there is neither a positive or a negative impact on the individual and/or community. Where a search is not conducted correctly there is significant and detrimental impact.

Communities are more likely to have greater confidence in Stop & Search powers if they are used properly and we can demonstrate they are effective. Senior officers from the Local Policing Command (LPC) and Community Safety Partnership (CSPs) should engage with their communities and raise awareness about the use of the powers and their effectiveness.

Communities should be provided with opportunities to feedback their experiences of Stop & Search and discuss their concerns about crime in their area. This could be done at events such as surgeries and public meetings or on the feedback links provided on the Constabulary website. .

When powers are authorised that do not require specific suspicion to search an individual, such as section 60 Criminal Justice and Public Order Act 1994, there is a duty placed on senior officers to inform the community at the earliest opportunity that an authority has been issued giving the reasons why, the exact location and duration.

The number of stops conducted should not be used as a performance indicator.

In certain cases, for example poor eyesight or literacy, the officer should offer to read any notice provided to a person subject to a Stop & Search. Consideration can also be given to using facilities such as Language Line when appropriate.

### **3.2 Search powers**

The following enactments provide police officers with a power to search and are the powers to which this policy applies. A search record will be completed on every occasion that any of these powers are used:

- Police and Criminal Evidence Act 1984 (PACE) Section 1;
- Misuse of Drugs Act 1971 Section 23;
- Firearms Act 1968 Section 47;
- Criminal Justice and Public Order Act 1994 Section 60;
- Proceeds of Crime Act 2002 Section 289;
- Sporting Events (Control of Alcohol) Act 1985 Section 7;
- Customs and Excise Management Act 1979 Section 163 and 164;
- Poaching Prevention Act 1862 Section 2;
- Deer Act 1991 Section 12;
- Conservation of Seals Act 1970 Section 4;
- Protection of Badgers Act 1992 Section 11;
- Wildlife and Countryside Act 1981 Section 19;
- Aviation Security Act 1982 Section 27(1).
- Psychoactive Substances Act 2016 (as of May 2016)

**It is important that before any searches are undertaken the officer must ensure they have reasonable suspicion to Stop & Search that person. This information is recorded on the stops form under the 'Grounds' section.**

### **3.3 Voluntary stops**

Where a power to search exists and a police officer has reasonable grounds to conduct a search under such power, the search will be conducted as a statutorily authorised search regardless of whether the subject has volunteered to be searched. This means that even though the person is co-operative and willing to be searched the full procedures must still be followed and the search recorded.

**An officer must not search a person, even with his or her consent where no power to search is applicable.**

### **3.4 Stop and account**

Following changes to legislation in March 2011 there is no requirement for officers to record a stop and account encounter. However, a person who is asked to account for themselves should, if they request, be given information about how they can report their dissatisfaction about their treatment. A person who has not been detained for the purposes of a search cannot be detained simply for the purpose of asking them to account for themselves.

Separate powers under S163 of the Road Traffic Act apply when stopping motor vehicles, the details of which are not included in the scope of this SOP.

### **3.5 Steps to be taken prior to a search**

The police officer will take reasonable steps to give the person to be searched or in charge of the vehicle to be searched, the following information from the mnemonic GOWISELY:

- **G**rounds for the search (reason for suspicion)
- **O**bject of the search (i.e. what is being looked for)
- **W**arrant number, (if not in uniform)
- **I**dentification (officer's name except in terrorism cases when the force number only will be given. Police officers not in uniform will show their warrant cards)
- **S**tation to which the officer is attached
- **E**ntitlement to copy of search within 3 months
- **L**egal Power being exercised
- **Y**ou are detained for the purpose of a search (person searched must be informed of this)

### **3.6 Conducting a search**

There are varying practises that need to be adhered to depending upon the extent of the search. These are outlined in Appendix A.

### **3.7 Actions to be taken after a search**

When a Mobile data solution is used to record the stop there isn't a copy available to be handed to the person searched. The electronic form does have a function which allows a copy to be e-mailed to the person or the reference number sent to them in a text. If they do not wish to give an e-mail address or mobile telephone number then they must be given a receipt with the unique reference number relating to the search (which can be found on the electronic form) and told that they can take the reference number to a police station with proof of personal identification to receive a printed copy of the search record. This entitlement lasts for three months from the date of the search.

If it is a paper record the officer will hand the person searched a copy of the form. Undertaking this act will ensure compliance with the legal requirements placed upon the police officer under the codes of practice

The searching officer must also explain to the person that if they are arrested and taken to a police station as a result of the search, **that the record will be attached to their Custody Record at the station** and they will be given, if they request, a copy of their custody record which includes a record of the search as soon as practicable whilst they are at the station.

An officer should use their discretion as to whether an intelligence report should be submitted separately with full details of the person stopped.

Recording certain pieces of information when conducting a Stop & Search is a legal requirement. The paper search form (12A) the Mobile Data solution have been designed to capture all the relevant information required to fulfil the legal obligation. Therefore it is essential that all relevant sections are completed.

### **3.8 Submission of data**

Completed stop forms must be passed to a supervisor for checking and verification. The early turn duty patrol sergeant will take all submitted Stop & Search forms to the Daily Management Meeting each morning and then, following the meeting, they will be handed to the LPC – PA's who will be responsible for manually inputting the data onto the Intranet application, printing off a copy, attaching it to the original record and sending it to Crime Reduction & Community Safety Department for quality assurance and subsequent forwarding to Records Management at Letchworth.

Robust external and internal scrutiny exists to closely examine Stop and Searches to ascertain if these searches are being conducted proportionately for example are they only being conducted on a particular group of people or people with a specific lifestyle.

All Stops and Searches are analysed to ensure there is no disproportionality

#### 4. Monitoring and Review

4.1 The use of Stop & Search powers will be overseen and reviewed by the Coercive Powers Board.

4.2 Complaints will be reviewed by :

- a) Collated complaints data is sent to CR & CS dept. Individual complaint details are redacted and forwarded to the Stop Search Scrutiny Panel ( managed by the Office of the Police and Crime Commissioner) for them to review and recommend whether a community trigger should be activated. The result of that review will be recorded within the scrutiny panel minutes and the local CSP chief inspector will be notified of that recommendation regarding the trigger and its reasons.
- b) The Crime Reduction & Community Safety Department will provide a quarterly update giving a brief review, to be made available on the Hertfordshire Constabulary website.

4.3 In line with Constabulary Policy this Standard Operating Procedure will be reviewed every 2 years and published on the Constabulary website.

#### 5. Appendices

1. Conducting a search (Appendix A)	
2. Community Complaints Trigger (Appendix B)	
3. Document Control	

Date	Version	Summary of changes
15/01/2013	V2	<p><u>HEC Feedback</u></p> <p>2.1 As well as considering religious and cultural issues when searching people, they should also consider any issues for disabled people</p> <p>2.5 How would the person searched know they had a right to a copy of the search within three months?</p> <p>3.2 – who does the Officer need to demonstrate reasonable grounds to?</p> <p>3.7 What happens to the stop and search data and how is any disproportionality dealt with?</p>
28/01/2013	V3	<p><u>Superintendent's Association</u></p>



		<p>2.1 Although officers are encouraged to conduct searches based on intelligence there are times when officers will conduct searches based upon reasonable grounds they form at the time not necessarily based on intelligence.</p> <p>2.1 Remove PDA and use the terminology “Mobile Data Solution” as this terminology will not go out of date.</p>
30/01/2014	V4	Final sign off by D/Insp Clare Smith and ACC Alison Roome Gifford
26/08/2014	V5	Introduction of the ‘Best Use of Stop Search’ scheme
04/03/2015	V5	3.6 Conducting a search added. Appendix A: Conducting a Search added.
05/03/2015	V5	3.7 Additional text added to clarify providing a receipt and/or copy of the stop and search record.
05/03/2015	V5	4.2 added to clarify how complaints will be reviewed and reported.
12/05/2016	V5	Text updated in sections 1, 2, 3 and 4 to reflect current procedure and enable publication on the force website for the public.

## **Appendix A: Conducting a search.**

### **General Search**

This is a stop search that takes place in a public place and involves a superficial search that may require the removal of outer coat, jacket and gloves.

### **Search involving more than the removal of outer coat, jacket gloves**

This search involves the removal of more than outer coat, Jacket and gloves (i.e. headgear, footwear, t-shirt) or clothing worn on religious grounds (i.e. burkha, turban), but does not reveal intimate parts of the body. This must be conducted out of public view by an officer of the same sex.

The record of the search must include (in the additional Information section):

- What clothing was removed
- Which parts of the body were exposed
- Whether the search was out of public view
- The sex of the officers present

When an officer completes this type of search they must inform the Crime Reduction and Community Safety Department via the R STOPS inbox, before the completion of their tour of duty.

Before conducting a search on a child aged 17 years or under, that involves the removal of more than outer coat jacket and gloves, authority must be sought from a supervisor.

### Search involving the exposure of intimate body parts

On occasion it may be necessary to conduct a more thorough search that can involve the exposure of intimate body parts. This must be based on reasonable grounds and not because nothing was found during a less thorough initial search.

This search must be authorised by a supervisor and conducted on police premises, unless there are extenuating circumstances, which must be recorded.

The record of the search must include (in the additional Information section):

- Name and warrant number of the patrol supervisor giving authorisation.
- The justification as to why the search involved the exposure of intimate body parts
- What clothing was removed
- Which parts of the body were exposed
- The location of the search
- The sex of the officers present

Before searching a child aged 17 Years or under authority must be sought from a supervisor.

***This search requires authorisation from a patrol supervisor (not custody sergeant) before the search takes place. The supervisor must ensure that the reasons for the search are lawful, proportionate, necessary and fair before giving their authorisation.***

The officer conducting the search must record the name and warrant number of the patrol supervisor giving authorisation. This information should be recorded in the additional information field within the stop and search form.

This search must be conducted on a police premises, unless there are extenuating circumstances, which must be recorded. The person must not be taken to police premises without authorisation from the patrol supervisor. PACE Code A 3.7 provides guidance on the conduct of searching at police stations, which must be done in accordance with paragraph 11 of Annex A to Code C.

The patrol supervisor, authorising the search, is responsible for reviewing the stop and search form on the STOPS database and must add additional comments to support their rationale for authorising the search. They must then tick the box to confirm that the form has been checked and authorised.

Where a patrol supervisor has authorised a search involving the exposure of intimate body parts, they must inform the crime reduction and community safety department via the R STOPS inbox, before the completion of their tour of duty.

If an item is seen within a body orifice then consideration should be given to arresting the person searched and taking them in to custody with a view to seeking authorisation for an intimate search.

## **Intimate search**

This is a search which applies to a person under arrest and in custody. It involves the removal of items secreted within a body orifice and requires authorisation by an Officer of Inspector rank or above and will require an FME to be present.

## **Appendix B**

### **Community Complaints Trigger**

#### **Stop and Search Community Complaints Trigger**

##### ***Background***

In 2014 the Home Office announced the Best Use of Stop and Search Scheme (BUSSS), a voluntary scheme aimed at improving the overall professionalism of stop and search by creating greater transparency and community involvement. The Scheme encourages and supports an intelligence led approach leading to better results.

All police forces across England and Wales are signed up to the Scheme.

The Scheme has six main features one of which is a '*Community Complaints Trigger*', this requires there to be a local policy in place whereby complaints about Stop and Search can trigger a formal process involving scrutiny of the complaint by community groups.

##### ***Best Use of Stop and Search Scheme - Community Complaints Trigger Home Office Guidance<sup>1</sup>***

#### **3. Community Complaints Trigger**

- 3.1. The community complaints trigger will be the requirement on forces to signpost the appropriate mechanism for members of the community to raise any concerns or complaints that they have with the way that a stop and search has been carried out by their police force.
- 3.2. Forces participating in the Scheme have local discretion to determine the most appropriate way to establish the community complaints trigger; however, consideration should be given to including information on the complaints trigger either on the receipt provided to all individuals following a stop and search or verbally by officers (or both). Importantly, forces will publish their policy to ensure transparency in the process.

---

<sup>1</sup> *Extracted from Home Office Best Use of Stop and Search Scheme, 2014*

- 3.3. The nature of the trigger will be quantitative and / or qualitative and, whilst there will be variation between forces, each force must ensure that the local community (often through Independent Advisory Groups or Scrutiny Boards) is provided with the opportunity to influence how it is set up and how many complaints, and of what nature, would set off the trigger.
- 3.4. In forces where complaints are particularly low, forces should consider treating every complaint as a 'trigger' – each requiring explanation and scrutiny by community groups.

Forces participating in the Scheme will develop a compliant policy which:

- ensures individuals stopped and searched are made aware of where to complain;
- introduce a threshold above which the police are compelled to explain their use of stop and search; and
- that explanation will be given, primarily, to local community groups responsible for scrutinising the use of stop and search.

### ***Hertfordshire Constabulary's Community Complaints Trigger***

Hertfordshire Constabulary's specific trigger process is detailed below.

#### **1. Requirements**

Under the requirements of the Home Office Best Use of Stop and Search Scheme 2014, Forces must develop a complaint/community trigger policy which:-

- Ensures individuals stopped and searched are made aware where and how to complain
- Introduces a threshold (trigger) above which the police are compelled to explain their use of stop and search and
- That explanation will be given, primarily, to local community groups responsible for scrutinising the use of stop and search<sup>2</sup>

#### **2. Details**

##### **Awareness of where and how to complain**

- 2.1 Individuals are providing with details of how and where to make a complaint through the provision of a receipt, paper copy of their stop search record or on the force [website](#).

---

<sup>2</sup> 'Community groups' in this context includes the Hertfordshire Countywide Community Stop and Search Scrutiny Panel

- 2.2 Due to the low number of complaints involving Stop and Search, Hertfordshire Constabulary have decided that all complaints will be looked at to identify if any of the trigger criteria have has been met.

### **Threshold**

The Trigger mechanism threshold for Hertfordshire will be met if:

- 2.3 There is a significant rise in the amount of stop & search related complaints against police.<sup>3</sup>
- 2.4 There is a significant change in the numbers of one ethnic group being stopped and searched compared to others.<sup>4</sup>
- 2.5 There is a single event or incident related to stop & search activity that is giving significant cause for concern amongst our communities regarding police use of this tactic.
- 2.6 There is any other issue upon consultation with the Hertfordshire Police Lead for Stop & Search or appropriate Local Policing Command Team.
- 2.7 The Hertfordshire Countywide Community Stop and Search Scrutiny Panel, other community group/s or individual/s have the right to invoke the trigger if they feel there is an issue as identified as per 2.2, 2.3, 2.4 or 2.5 above.
- 2.8 In the event that the Head of Professional Standards and CR&CS identify there is a trigger as per 2.3, 2.4 2.5 or 2.6 above this will be brought to the attention of the relevant CSP Chief Inspector. The CSP Chief Inspector will then be responsible for informing the public about the use of the power and why it is being used. In conjunction with the Office of the Police and Crime Commissioner for Hertfordshire.

### **3. Timescales**

- 3.1 Whilst there are no formal timescales stipulated in Home Office guidance, Hertfordshire Constabulary have opted to adhere to a 72 hour initial response time in light of a trigger.
- 3.2 An initial response will formally acknowledge the trigger, outline details of the trigger (where appropriate) and the Constabulary's intended response, as well as provide a timescale for a full

---

<sup>3</sup> Due to the low number of complaints involving Stop and Search, Hertfordshire Constabulary have decided that all complaints will be looked at to identify if any of the trigger criteria have has been met.

<sup>4</sup> Monthly statistics about stop and searches carried out by Hertfordshire Constabulary, including ethnicity data, can be found on the [Police.uk](https://www.police.uk) website.

response to be given to the individual concerned, if applicable, and/or the Hertfordshire Countywide Community Stop and Search Scrutiny Panel, other community group/s.

Further information on the Community Complaints Trigger can be found on Hertfordshire Constabulary's dedicated [Stop and Search](#) web pages. This includes a feedback form for members of the public and a link to the complaints form.