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WEST MIDLANDS POLICE

Force Policy Document

POLICY TITLE:	Stop & Search Policy
POLICY REFERENCE NO:	Ops/15

Executive Summary.

This document sets out West Midlands Police policy around the completion and administration of stop and search, including special powers around stop and search.

***Any enquiries in relation to this policy should be made directly with the policy contact / department shown below.*

Intended Policy Audience.

This policy is aimed at all West Midlands Police Officers and Police Staff who are likely to be involved in conducting, supervising, and monitoring Stop and Search.

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Department Responsible	Integrated Emergency Management	
Policy Contact	[REDACTED]	
Policy Author	[REDACTED]	
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Supporting Documents

- *Code of Ethics* (http://www.college.police.uk/docs/Code_of_Ethics.pdf)
- *Police and Criminal Evidence Act, Codes of Practice (code A)*
- *Criminal Justice and Public Order Act*
- *Protection of Freedoms Bill 2011*
- *Terrorism Act 2000 Code of Practice*
- *Examining Officers under the Terrorism Act 2000 CoP*
- *Air Navigation Act 2009*
- *S47A TACT 2000 Authorisations – Process for Authorisation (ACPO TAM)*
- *Learning the Lessons – Bulletin 14 July 2011*
- *Part One Order 50/2001 (now withdrawn),*
- *Part One Order 15/2005 (now withdrawn),*
- *Part One Order 16/2005 (now withdrawn),*
- *Part One Order 05/2007 (now withdrawn),*
- *Part One Order 23/2010 (now withdrawn)*

Evidence Based Research

Full supporting documentation and evidence of consultation in relation to this policy including that of any version changes for implementation and review, are held with the Force Policy Co-ordinator including that of the authorised original Command Team papers.

Please Note.

PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UPTO DATE VERSION OF ANY POLICY OR DIRECTIVE CAN BE FOUND ON THE EQUIP DATABASE ON THE INTRANET.

Force Diversity Vision Statement and Values

“Eliminate unlawful discrimination, harassment and victimisation. Advance equality of opportunity and foster good relations by embedding a culture of equality and respect that puts all of our communities, officers and staff at the heart of everything we do. Working together as one we will strive to make a difference to our service delivery by mainstreaming our organisational values”

“All members of the public and communities we serve, all police officers, special constables and police staff members shall receive equal and fair treatment regardless of, age, disability, sex, race, gender reassignment, religion/belief, sexual orientation, marriage/civil partnership and pregnancy/maternity. If you consider this policy could be improved for any of these groups please raise with the author of the policy without delay.”

Code of Ethics

West Midlands Police is committed to ensuring that the Code of Ethics is not simply another piece of paper, poster or laminate, but is at the heart of every policy, procedure, decision and action in policing.

The Code of Ethics is about self-awareness, ensuring that everyone in policing feels able to always do the right thing and is confident to challenge colleagues irrespective of their rank, role or position

Every single person working in West Midlands Police is expected to adopt and adhere to the principles and standards set out in the Code.

The main purpose of the Code of Ethics is to be a guide to "good" policing, not something to punish "poor" policing.

The Code describes nine principles and ten standards of behaviour that sets and defines the exemplary standards expected of everyone who works in policing.

Please see <http://www.college.police.uk/What-we-do/Ethics/Pages/Code-of-Ethics.aspx> for further details.

The policy contained in this document seeks to build upon the overarching principles within the Code to further support people in the organization to do the right thing.

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ACRONYMS

ACPO (TAM)	Association of Chief Police Officers (Terrorism and Allied Matters)
ACTCC	ACPO Counter-Terrorism Co-ordination Centre
BTP	British Transport Police
CDRPs	Crime and Disorder Reduction Partnerships
CIA	Community Impact Assessment
CJPO	Criminal Justice and Public Order Act
EDHR	Equality, Diversity and Human Rights
GPMS	Government Protective Marking Scheme
IAG	Independent Advisory Group
IMS	Intelligence Management System
JTAC	Joint Terrorism Analysis Centre
LCJB	Local Criminal Justice Board
NPU	Neighbourhood Policing Unit
LSP	Local Strategic Partnerships
OSCT	Office for Security and Counter Terrorism
OSD	Organisation and Service Development
PACE	Police and Criminal Evidence Act
PCSO	Police Community Support Officer
PPE	Personal Protective Equipment
PNLD	Police National Legal Database
TACT	Terrorism Act 2000
WM CTU	West Midlands Counter Terrorism Unit
WMP	West Midlands Police
BUSS	Best Use of Stop and Search Scheme
PCC	Police and Crime Commissioner
BWV	Body Worn Video
APP	Authorised Professional Practice
ACC	Assistant Chief Constable

1. INTRODUCTION.

- 1.1. Interacting with the public is an essential facet of police work that helps us make our communities feel safer. However, in order to reduce crime and disorder, many of those interactions require the use of stop and account and stop and search powers
- 1.2. The way in which we exercise these powers has never been more highly scrutinised than in recent years by the media, focus groups and police forces themselves. This has largely been in response to the popular view that such powers are highly intrusive and should be rigorously managed.
- 1.3. In preventing and detecting crime, the way that police officers interact with the public can escalate, from stopping someone and asking them to account for their presence to conducting a physical search of a person, their vehicle, or anything they are in possession of at the time.
- 1.4. Stop and Search can provide valuable intelligence which assists West Midlands Police (WMP) in reducing crime and disorder.
- 1.5. This policy replaces policy T06 and Part One Orders 50/2001, 15/2005, 16/2005, 05/2007, 23/2010 that are withdrawn with immediate effect.

2. AIM.

- 2.1. The aim of this policy is to outline the procedures to be employed around the use of stop and search and stop and account within the WMP area.

3. OBJECTIVES.

- 3.1. This policy has 3 key objectives:
 - To detail the process by which stop and search and stop and account must be conducted;
 - To detail the recording and management process for stop and search;
 - To outline the process by which special stop and search powers are applied for and used.

4. SCOPE.

- 4.1. This policy details the powers, use, and auditing requirements of stop and search, provides guidance around ensuring there is a clear transparency of process around the use of special powers, and highlights the need for members of the public to be treated fairly and with respect.

5. WMP STATEMENT ON STOP AND SEARCH.

- 5.1. WMP is committed to complying with the requirements of the Codes of Practice contained within the Police and Criminal Evidence Act 1984 (PACE). WMP will use all the powers at its disposal to serve our communities and protect them from harm.

6. APPLICATION.

- 6.1. All police officers and police staff, including police community support officers (PCSO), special constables, and officers under contract with West Midlands Police as part of a mutual aid deployment are required to comply with this policy.

7. STOP AND ACCOUNT.

- 7.1. A 'stop and account' is defined as:

“When an officer requests a person in a public place to account for themselves i.e. their actions, behaviour and presence in an area or why they are in possession of anything.”¹

- 7.2. The stop and account procedure will constitute the majority of interactions with the public, where officers are investigating criminal activity or anti-social behaviour. Despite no search taking place, many still view such interactions with the police as intrusive; therefore each and every interaction must be handled with tact and politeness.

- 7.3. There is no power for an officer to require the person questioned to provide their personal details during a stop and account event, unless provided for by separate legislation although officers may still ask persons for these details for intelligence purposes.

- 7.4. It is the position of West Midlands Police that **where grounds to search already exist** officers should prefer a Stop and Account in the first instance, as the encounter may in itself, satisfy the officer that the need to conduct a search has ceased to exist. This will be less likely to inconvenience the member of the public.

Recording requirements

- 7.5. There is no requirement for a stop and account event or the ethnicity of persons stopped to be recorded anywhere on WMP systems.
- 7.6. Should an officer find that the interaction has produced information of note then an entry should be placed within their pocket note book, for later entry onto the Intelligence Management System (IMS).

8. STOP AND SEARCH.

Background

- 8.1. The purpose of stop and search powers is:

“To enable officers to allay or confirm suspicions about individuals without exercising their power of arrest.”²

- 8.2. All stop and search events must be carried out in accordance with Code A of the PACE codes of practice, which govern the exercise of all stop and search events by police.

¹ Police and Criminal Evidence Act 1984, Codes of Practice Code A, Paragraph 4.12

² Police and Criminal Evidence Act 1984, Codes of Practice Code A, paragraph 1.4

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Section 47A of Schedule 6B to the Terrorism Act 2000 has its own code of practice. The key aspects for compliance within both codes are contained within this document.

- 8.3. The main stop and search powers can be found listed in **Appendix A**.

Conduct of stop and search

- 8.4. WMP acknowledges that the use of stop and search is intrusive by its very nature, therefore the following principles must be applied to all interactions where stop and search powers are used:
- An officer **must** have a legal power to carry out a search;
 - An officer **must** always ensure that the action taken is:
 - Necessary;
 - Proportionate;
 - Justifiable.
 - The co-operation of the person to be searched must be sought in every case even if the person initially objects to the search;
 - Reasonable force may be used as a last resort, if necessary to conduct a search or to detain a person or vehicle for the purpose of a search;
 - Each stop and search must be intelligence led – based on the most recent, accurate and detailed intelligence available at the time;
 - A Community Impact Assessment (CIA) must be considered for the use of special powers e.g. Section 60 Authority, and on occasions where stop and search is the focus of an operation.
 - Stop and Search **must not** be used as a performance measure based on the basis of number of stops conducted by individual officers.
- 8.5. The stop and search process must be carried out with courtesy, consideration and respect for the person concerned. Individuals who understand the reason for being stopped and searched are more likely to have a positive experience of the encounter. This has a significant impact on public confidence in the police.
- 8.6. The length of time for which a person or vehicle may be detained must be reasonable and kept to a minimum. The search must be carried out at or near the place where the person or vehicle was first stopped. A person or vehicle may be detained under the stop and search powers at a place other than where the person or vehicle was first stopped, 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 vehicle) is appropriate.
- 8.7. 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 8.8 applies, or police station if there is one nearby. Searches must, where possible, be conducted by officers of the same sex to the detained person. 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

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be made in the presence of anyone of the opposite sex unless the person being searched specifically requests it.

- 8.8. 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.
- 8.9. Although there are no age restrictions on conducting searches, particular care must be taken when searching children,³ the elderly, vulnerable and disabled persons, and people who are wearing clothes which denote their religion. Care must also be taken when handling religious articles such religious texts or other articles synonymous with following a particular religion. The impact on searching in these circumstances may leave a lasting impression on the public as well as the individuals themselves, therefore the necessity of the search as detailed in paragraph 7.4 must be fully considered. More detailed information around religious dress is available from the EDHR unit within Human Resources. Contact details for staff are available from their website: http://intranet2.wmpad.local/functions/people_od/di_hub_of_excellence.aspx
- 8.10. In law, the gender (and accordingly the sex) of an individual is their gender as registered at birth unless they have been issued with a Gender Recognition Certificate (GRC) under the Gender Recognition Act 2004 (GRA), in which case the person's gender is their acquired gender. This means that if the acquired gender is the male gender, the person's sex becomes that of a man and, if it is the female gender, the person's sex becomes that of a woman and they must be treated as their acquired gender.
- 8.11. When establishing whether the person concerned should be treated as being male or female for the purposes of a search, the following approach which is designed to minimise embarrassment and secure the person's co-operation should be followed:
- The person must **not** be asked whether they have a GRC.
 - If there is no doubt as to whether the person concerned should be treated as being male or female, they should be dealt with as being of that sex.
 - If at any time (including during the search or carrying out the procedure) there is doubt as to whether the person should be treated, or continue to be treated, as being male or female:
 - i. The person should be asked what gender they consider themselves to be. If they express a preference to be dealt with as a particular gender, they should be asked to indicate and confirm their preference by signing the search record or the officer's notebook. Subject to (ii) below, the person should be treated according to their preference;

³ If officers are searching children under 10, an appropriate adult must be present at the time of the stop and search, in order to manage any vulnerability issues based on the circumstances, eg, time, location, other persons present and to ensure the safety of the child at all times, including when the search is concluded.

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- ii. If there are grounds to doubt that the preference in (i) accurately reflects the person's predominant lifestyle, for example, if they ask to be treated as woman but documents and other information make it clear that they live predominantly as a man, or vice versa, they should be treated according to what appears to be their predominant lifestyle and not their stated preference;
- iii. If the person is unwilling to express a preference as in (i) above, efforts should be made to determine their predominant lifestyle and they should be treated as such. For example, if they appear to live predominantly as a woman, they should be treated as being female; or
- iv. If none of the above applies, the person should be dealt with according to what reasonably appears to have been their sex as registered at birth.

8.12. Once a decision has been made about which gender an individual is to be treated as, each officer responsible for the search or procedure should where possible be advised before the search or procedure starts of any doubts as to the person's gender and the person informed that the doubts have been disclosed. This is important so as to maintain the dignity of the person and any officers concerned.

Steps to be taken prior to a search

8.13. Before any search of a detained person or attended vehicle takes place, the officer must take reasonable steps, if not in uniform, to show their warrant card to the person to be searched or in charge of the vehicle to be searched and whether or not in uniform, to give that person the following information-

- That they are being detained for the purposes of a search;
- 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;
- The legal search power which is being exercise; and
- A clear explanation of –
 - i) The object of the search in terms of the article or articles for which there is a power to search; and
 - ii) In the case of:
 - The power under Section 60 of the Criminal Justice and Public Order Act (CJPO)1994, the nature of the power, the authorisation and the fact it has been given;
 - The power under Section 47A Terrorism Act 2000, the nature of the power, the authorisation and the fact that it has been given;
 - All other powers requiring reasonable suspicion, the grounds for that suspicion.
- That they are entitled to a copy of the record of the search if one is made, if they ask within 3 months from the date of the search and:

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- i) If they are not arrested and taken to a police station as a result of the search and it is practicable to make the record on the spot, that immediately after the search is completed, they will be given, if they request either:
 - A copy of the record, or
 - A receipt which explains how they can obtain a copy of the full record or access to an electronic copy of the record, or
- ii) If they are arrested and taken to a police station as a result of the search, the record will be made at the station as part of their custody record in addition to an electronic eSearch record. They must also be given an eSearch receipt and if requested, a copy of the custody record

8.14. A person is also entitled on application to a written statement that they were stopped by virtue of the powers conferred by Section 47A Terrorism Act 2000, if requested within 12 months of the stop taking place.

8.15. If the person to be searched, or person 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 to his or her attention. If the person is deaf or cannot understand English and is accompanied by someone, then the officer may try to establish whether that person can interpret or otherwise help the officer to give the required information. This does not preclude an officer from conducting a search once he or she has taken reasonable steps to explain the person's rights.

Record of search

8.16. A stop and search event must be recorded at the time it is conducted on an eSearch record (**Appendix B**), and an eSearch receipt given to the person who has been searched or the person in charge of the vehicle searched, unless section 4.1 Code A of PACE applies (i.e. *where it is wholly impracticable to do so*). The record must identify the name of the officer who has conducted the search.

8.17. The record of a search must always include the following information:

- A note of the self-defined ethnicity and, if different, the ethnicity as perceived by the officer making the search, of the person searched or of the person in charge of the vehicle searched (as the case may be);
- The date, time and place the person or vehicle was searched;
- The object of the search;
- The nature of the power used, and in the case of special authorisations, the fact one has been given and the reason the person or vehicle was selected for the search;
- The officer's warrant number or other identification number.

8.18. It should be explained to the member of the public that the reason for requiring their self-defined ethnicity is because this information is required to obtain a true picture of stop and search activity, and to understand and respond positively to any identified disproportional levels of stop and search activity.

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- 8.19. Where the search directly results in the arrest of the subject, the requirement to complete an eSearch record still exists. There is also a requirement to record the details of the search and the grounds for the search on the subject's custody record.
- 8.20. For the purposes of completing the search record, there is no requirement under PACE to record the name, address and date of birth of the person searched or the person in charge of a vehicle which is searched and the person is under no obligation to provide this information, however this information is useful for intelligence purposes, and should be sought. An officer may remind a person that providing these details will ensure that WMP is able to provide information about the stop and search in future should the person request that information or if it is otherwise required.
- 8.21. The names of police officers are not required to be shown on the search record in the case of operations linked to the investigation of terrorism or otherwise, where an officer reasonably believes that recording names might endanger themselves. In such cases, the record must show the officer's warrant or other identification number and duty station.
- 8.22. 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 self-defined ethnic background of the person in charge of the vehicle must be recorded, unless the vehicle is unattended.
- 8.23. Nothing prevents an officer who is present but not directly involved in searching from completing the record during the course of the search, provided it contains the details of the officer searching.
- 8.24. 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.
- 8.25. 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 how (if applicable) an electronic copy may be accessed and where any application for compensation should be directed.
- 8.26. The vehicle must if practicable be left secure.
- 8.27. If a PNC check is conducted in relation to a stop and account or stop and search, the PNC operator is required to know the reason for the check to enable an audit trail to be completed.
- 8.28. All eSearch records are automatically retained on the system database.
- 8.29. Any incomplete records will be retained electronically on the eSearch database for the reporting officer to complete at the earliest convenience.
- 8.30. The start to finish process for stop and search can be seen in a flowchart in **Appendix C**.

Seizure of items

- 8.31. An officer may seize and retain anything which he or she discovers in the course of a search and reasonably suspects may constitute evidence that the person concerned has either committed an offence, is a terrorist within the meaning of section 40(1) (b) of the Terrorism Act 2000 or has a vehicle which is used for the purposes of terrorism.

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- 8.32. Anything seized may be retained for as long as necessary in all the circumstances. This includes retention for use as evidence at trial for an offence.
- 8.33. A record should be made of any item seized or retained and made available with a copy of the record of the stop and search. If the officer's reasonable suspicion ceases to apply, the item should be returned to the individual from whom it was seized, or the
- 8.34. person in charge of the vehicle from which it was seized unless there are other grounds for retaining it (e.g. in respect of the investigation of a separate offence). If there
- 8.35. appears to be a dispute over the ownership of the article, it may be retained for as long as necessary to determine the lawful owner.

Schedule 7 Terrorism Act 2000

- 8.36. Schedule 7 of the Terrorism Act 2000 provides officers who work in a port or border area with the legal framework which assists them in identifying people who are involved in the commission, preparation or instigation of acts of terrorism. Schedule 7 cannot be used for any other purpose.
- 8.37. 'Ports' include airports, seaports and international railway stations.
- 8.38. One of the powers contained within Schedule 7 allows police officers who are designated for the purpose of the schedule by the secretary of state to search people. The extent of search powers contained within Schedule 7 is different to search powers typically used within the West Midlands and therefore require special consideration. Officers who utilise Schedule 7 are deemed to be 'Examining Officers'
- 8.39. Officers who utilise Schedule 7 powers must be conversant with the following documents
- *Home Office (2009) Examining Officers under The Terrorism Act 2000 Code of Practice.* This document provides guidance around how searches should be conducted.
 - *ACPO NPIA (2009) Practice Advice on Schedule 7 of the Terrorism Act 2000.* This document contains good practice advice around the application of Schedule 7 powers.
- 8.40. Anyone can be searched at any port under Schedule 7 if the following applies:
- The person is on a ship or aircraft which has arrived anywhere within the West Midlands Police area (whether an internal domestic journey, or from outside Great Britain).
 - When it is believed that the person's presence at a port is in connection with their **entering or leaving** Great Britain, or travelling by air **within** Great Britain.
- 8.41. No suspicion or authority is required for the exercise of schedule 7 stop and search powers for the purpose of determining involvement in the commission, preparation or instigation of acts of terrorism.
- 8.42. The officer searching may:
- Search the person.
 - Search anything the person has with them (including a vehicle) or which is on a ship or aircraft.

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- Search anything that the person has with them or which belongs to them and which the examining officers reasonably believes has been, or is about to be, on a ship or aircraft. It also includes property that the person has travelled with but which may not be immediately with them, e.g. luggage yet to be collected from a luggage carousel.
- Search an aircraft or ship for anything that the person has with them or belongs to them.
- Search unattended goods and freight that have arrived in or are about to leave the UK.
- For the purpose of determining if there are any persons whom an examining officer may wish to question under Schedule 7, an examining officer may search an aircraft that has arrived in the UK or is about to leave the UK.

8.41. Unlike other police search powers, Schedule 7 places no restriction on the removal of headwear and footwear in public. Officers must however, duly consider the concerns that the public may have with the removal of certain items of clothing, and must ensure that paragraph 8.5 is complied with.

8.42. Searches must be carried out by officers of the same sex as the member of the public. Although this is not the case when examining property, officers must endeavour to ensure searches are by officers of the same sex.

8.43. The need to complete an eSearch record for searches under Schedule 7 does not apply.

8.44. Officers also have supplemental powers under Article 255 of the Air Navigation Order 2009 for use at aerodromes, other locations where aircraft have landed and certain other buildings in connection with aviation business.

National Best Use of Stop and Search Scheme

8.43. The Best Use of Stop and Search Scheme (BUSS) was announced by the Home Secretary in her statement to Parliament on 30th April 2014. WMP were one of the 24 launch Forces for the Scheme in August 2014.

8.44. The principal aims of the Scheme are to achieve greater transparency, community involvement in the use of Stop and Search powers and to support a more intelligence-led approach, leading to better outcomes, for example, an increase in the stop and search to positive outcome ratio.

8.45. The features of the Scheme are:

- Data Recording – forces will record the broader range of Stop and Search outcomes e.g. arrests, cautions, penalty notices for disorder and all other disposal types. Forces will also show the link, or lack of one, between the object of the search and its outcome;

The WMP eSearch recording database facilitates this aspect of the Scheme

- Lay Observation Policy – providing the opportunity for members of the local community to accompany police officers on patrol using Stop and Search;

This process is managed via the eight WMP Stop and Search Scrutiny Panels, with Panel members encouraged to take part in Lay Observations. Individual

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requests outside of Scrutiny Panels are to be considered by NPU's on a case by case basis. Dynamic risk assessments are to be undertaken by facilitating Officers both before and during observations and WMP Legal Services confirm Observers are protected by Force General Liability Insurance, in the unlikely event of injury etc.

Body Worn Video (BWV) footage will also be used to supplement the Lay Observations Policy.

- 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 is a large volume of complaints;

Stop and Search complaints remain very low in WMP and basic data around each complaint is therefore shared at the eight WMP Stop and Search Scrutiny Panels and at the twice-yearly Police and Crime Commissioner's (PCC's) Stop and Search Commission

- Reducing section 60 'no-suspicion' Stop and Searches by –
 - raising the level of authorisation to senior officer (above the rank of chief superintendent);
 - ensuring that section 60 Stop and Search is only used where it is deemed necessary – and making this clear to the public;
 - in anticipation of serious violence, the authorising officer must reasonably believe that an incident involving serious violence will take place rather than may;
 - limiting the duration of initial authorisations to no more than 15 hours (down from 24); and
 - -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;

WMP escalated s60 authority levels to Assistant Chief Constable (ACC) prior to the introduction of the Scheme and were therefore already fully compliant with this aspect. Details of s60's are published on the PCC's website in line with the Scheme and advance notification of such authorities will be given where practicable.

8.46. By adopting the Scheme, WMP will use Stop and Search strategically, which will improve public confidence and trust.

8.47. Further guidance around the Scheme can be accessed via the following link;

<https://www.gov.uk/government/publications/best-use-of-stop-and-search-scheme>

College of Policing Authorised Professional Practice (APP)

8.48. The College of Policing APP for Stop and Search was published in September 2016. It contains additional guidance around BUSS, together with other tools to assist front-line Officers and managers around the use of Stop and Search Powers.

8.49. The APP can be accessed via the following link;

<https://www.app.college.police.uk/app-content/stop-and-search/?s>

9. POWERS REQUIRING SPECIAL AUTHORISATION.

9.1. A number of powers are available to the police to carry out searches of people and vehicles in special circumstances. The most commonly used powers are defined within the Criminal Justice and Public Order Act 1994, and the Terrorism Act 2000 and their use is rigorously monitored.

Section 60 Criminal Justice And Public Order Act 1994

9.2. Section 60 of the CJPO Act 1994 (hereafter referred to as 'Section 60') allows an Assistant Chief Constable and above to authorise Constables to stop and search persons in a specific area. In exceptional cases, Inspectors can authorise Section 60's but must consult with the duty FIM or local Superintendent. Such authorities must be referred to an Assistant Chief Constable at the earliest opportunity. Levels of authority have been amended to coincide with WMP's entry into the national Best Use of Stop and Search Scheme in August 2014.

9.3. An authorisation under Section 60 allows any constable who is in uniform to:

- to stop any pedestrian and search him or anything carried by him for offensive weapons or dangerous instruments
- to stop any vehicle and search the vehicle, its driver and any passenger for offensive weapons or dangerous instruments.

9.4. A constable may stop and search any person or vehicle whether or not they have any grounds for suspecting that the person or vehicle is carrying weapons or articles of that kind.

9.5. The use of Section 60 has come under close scrutiny in recent years, therefore officers are reminded that they need to be able to demonstrate to the member of the public, specifically why they have been stopped and searched, and must exercise this power with a great degree of tact and diplomacy.

Meeting the test for making an authorisation

Spontaneous Events:

9.6. If a police officer of the rank Assistant Chief Constable or in exceptional cases Inspector (or above) reasonably believes that incidents involving serious violence **will** (as opposed to may) take place, or have taken place in any locality in his police force area, and that it is necessary to give an authorisation under this section to prevent their occurrence, that –

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- An incident involving serious violence has taken place in England and Wales in his police area;
- A dangerous instrument or offensive weapon used in the incident is being carried in any locality in his police area by a person; and
- It is necessary to give an authorisation under this section to find the instrument or weapon; or
- that persons are carrying dangerous instruments or offensive weapons in any locality in his police area without good reason,

he / she may give an authorisation for searches under Section 60 to be exercisable at any place within that locality for a specified period not exceeding 15 hours. An

Inspector who gives an authorisation due to a spontaneous event must, as soon as practicable, inform an officer of or above the rank of Assistant Chief Constable.⁴

Pre-planned Events:

- 9.7. If during the planning stages of a major event or operation the requirements as per 9.6 are met then authority should be sought through the Local Command Team or the Operation Silver Commander to an Assistant Chief Constable. Historically Section 60s were issued in large quantities in West Midlands Police Force area and this policy will therefore require a higher level of authority than is stipulated in the wording of Section 60 legislation. This has been reinforced by WMP's entry into the Best Use of Stop and Search Scheme.
- 9.8. Inspectors and Superintendents should not authorise Section 60s for a pre-planned event and this authority now sits at Assistant Chief Constable level.
- 9.9. If an officer of or above the rank of Assistant Chief Constable reasonably suspects that offences have been committed in connection with any activity falling within the authorisation, he/she may extend the authority for a further 9 hours.
- 9.10. In exceptional circumstances, if the authorisation is given by an inspector, then as soon as it is practicable to do so, they must inform an officer of at least the rank of Assistant Chief Constable.
- 9.11. A flowchart depicting the Section 60 authorisation process can be seen at **Appendix D**.
- 9.12. The authorising officer must be able to demonstrate the need for the authorisation by referring to supporting intelligence/analytical material.

Recording requirements

- 9.13. Any authorisation for a Section 60 will be recorded on an online database. This can be found on the Force Intranet under eSearch on the IT systems menu or by clicking the below link:
- <http://prd/section60/edit/home.asp>
- 9.14. The S60 application template must be completed ahead of an authorisation for a pre-planned operation. The start and end times of the authorisation will be recorded and the database will automatically identify the current status of the authority. Where the

⁴ The Inspector must also consult with the Force Incident Manager (FIM) at the time of authorisation and inform the duty ACC immediately.

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person completing the application template is other than the authorising officer, the details of the authorising officer must be completed.

- 9.15. The decision to extend an authority **must** be recorded as an extension to a current authority. In spontaneous incidents, the authorising officer must record the order to invoke Section 60 in writing as soon as practicable after the authority is made. It is recognised that in the immediacy of dealing with a spontaneous incident it may not be practicable to contemporaneously record the decision online. In the first instance, details of the authority and supporting decisions should be logged via the relevant Contact Centre. An OASIS log for the incident and the online authority must be completed as soon as practicable thereafter. The paper based Section 60 application template can be found under eSearch on the IT systems menu or by clicking the below link:

<http://intranet2.wmpad.local/systems.aspx>

- 9.16. Officers conducting a search under Section 60 will complete an eSearch record at the conclusion of any search, unless paragraph 4.1 of PACE applies.
- 9.17. For all Section 60 authorities, NPU's and Force Departments must maintain a robust system to maintain records of the following information:
- A signed copy of the online application template;
 - Supporting analytical/intelligence material, including Community Impact Assessments (CIA);
 - A clear and accurate map detailing the geographic area subject of the authority;
 - Copies of any briefing material used.
- 9.18. These reports must be referenced with the online authority and be available for retrieval.

Section 60AA Criminal Justice and Public Order Act 1994

- 9.19. Section 60AA of CJPO 1994 provides the power for police officers to remove disguises from people. In order to exercise the power, the officer must reasonably believe that someone is wearing an item wholly or mainly for the purpose of concealing their identity.
- 9.20. Officers may seize such items where they believe that a person intends to wear them for this purpose.
- 9.21. There is no power to stop and search for disguises or other items used to conceal identity.
- 9.22. 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 given under section 60 **or** under section 60AA, is in force.
- 9.23. An authorisation under section 60AA may only be given by an officer of the rank of Assistant Chief Constables and 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. In exceptional cases, Inspectors can authorise Section 60AA's, but must consult with the duty FIM or local Superintendent. Such authorities must be referred to an Assistant Chief Constable at the earliest opportunity. Levels of authority

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have been amended to coincide with WMP's entry into the national Best Use of Stop and search Scheme in August 2014. 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 15 hours. This authority can be given on its own, irrespective of whether a Section 60 has been authorised. If a Section 60 has been authorised, the Section 60AA can be authorised simultaneously.

- 9.24. An inspector who gives an authorisation must, as soon as practicable, inform an officer of or above the rank of Assistant Chief Constable. This officer may direct that the authorisation shall be extended for a further 9 hours, if crimes have been committed, or are 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.

Section 47A of Schedule 6B to the Terrorism Act 2000

- 9.25. Authorities under Section 47A of schedule 6B to the Terrorism Act 2000 (hereafter referred to as Section 47A) are designed to protect the public from acts of terrorism by giving enhanced powers of stop and search to constables and PCSOs. The extension of an officer's powers under this authority is both powerful and intrusive, so should be used only when absolutely necessary and when no other policing powers of stop and search exist to protect the public from acts of terrorism

Meeting the test for making an authorisation

- 9.26. The powers to stop and search under Section 47A represent a significant divergence from the usual requirement to have reasonable suspicion when exercising stop and search powers. The powers are therefore only exercisable in an area where and during a period when an authorisation has been given by a senior officer. The test for authorising Section 47A powers is that the person giving it:

“must reasonably suspect that an act of terrorism will take place and considers that the powers are necessary to prevent such an act and that the area(s) or place(s) specified in the authorisation are no greater than is necessary and the duration of the authorisation is no longer than is necessary to prevent such an act.”

- 9.27. An authorisation under Section 47A may only be made by an officer of ACPO rank (i.e. at least the rank of assistant chief constable). Authorising officers must be either substantive or on temporary promotion to the qualifying rank. Officers who are acting in the rank may not give authorisations.

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[REDACTED]

[REDACTED]

[REDACTED]

Information in support of an authorisation

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[Redacted text block]

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Successive or replacement authorisations

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Information for authorising officers

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10. BRIEFING AND TASKING.

- 10.1. West Midlands Police intelligence briefing systems must be regularly refreshed, providing frontline officers with up-to-date intelligence, supporting them in preventing and detecting crime.
- 10.2. Where stop and search forms a large part of any particular operation or event, officers should be briefed and tasked appropriately on the use of their powers.
- 10.3. Officers should use the information provided in a briefing to influence their decision to stop and search an individual. Officers must be fully briefed on special powers and their use.
- 10.4. It is important that officers are reminded that they should consider whether other powers of stop and search may be more appropriate to use than those special powers which require no suspicion.
- 10.5. Officers should be reminded of the need to record information and provide anyone who is stopped and searched, or whose vehicle is stopped and searched, with written confirmation that the stop and search took place and details of the power used. Accurate recording of information is essential in order to monitor the use of the powers, safeguard against misuse and provide individuals with information about the powers which have been used

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- 10.6. The briefing should make officers aware of relevant current information and intelligence including potential threats to locations. Briefings should be as comprehensive as possible in order to ensure officers understand the nature and justification of the operation (which will in turn help officers to understand what evidence they are looking for in the course of a search), while recognising that it may not be possible or appropriate to communicate highly sensitive intelligence to all officers.
- 10.7. Officers should be reminded of the grounds for exercising the powers i.e. only for the purpose of discovering whether there is anything that may constitute evidence that the vehicle being searched is being used for the purposes of terrorism, or the individual being searched is a terrorist. The purpose of the search must therefore be to look for items which connect the vehicle or individual being searched to terrorism, rather than generally for items which could be used (e.g. by another individual in different circumstances) in connection with terrorism.
- 10.8. Briefings should also provide officers with a form of words that they can use when explaining the use of stop and search powers under Section 60 Criminal Justice and Public Order Act 1994 or Section 47A Terrorism Act 2000. Officers should be reminded at the briefing of the importance of providing the public with as much information about why the stop and search is being undertaken. The following list can help officers to explain the use of the powers when dealing with the public:
- The power that is being used and the fact that an authorisation is in place
 - That the powers conferred by Section 60 / Section 47A can be exercised without reasonable suspicion
 - What the operation is seeking to do, e.g. to prevent terrorist activity in response to a specific threat
 - Why the person or vehicle was selected to be searched
 - What entitlements the person has
- 10.9 In order to demonstrate that the powers are used appropriately and proportionately, the briefing process must be robust and auditable. All officers involved in the process should be reminded that they are fully accountable in law for their own actions.
- 10.10 Officers should be given clear instructions about where, when and how they should use their powers. Where a special authorisation is in place, officers should be clearly tasked by their supervisor so that the power is used appropriately and proportionately.
- 10.11 There may be exceptional circumstances where it is impractical to brief officers before they are deployed. Where this occurs, supervisors should provide officers with a briefing as soon as possible after deployment.

10.12 Care must be taken to ensure that officers deployed in an area subject to a special authorisation are briefed on:

- The area covered by the authority with particular focus on flash points, problem venues, etc.
 - The duration of the authority
 - The intelligence supporting the authorisation
 - Precise descriptions of those sought
 - Any specific information regarding officer safety
 - Any relevant/recent Community Impact Assessment for the area
 - Any 'modesty' issues to be considered when asking for the removal of face covering
 - Advice regarding communication with people who have English as a second language or have communication / learning difficulties
- [REDACTED]
- [REDACTED]

11. PHOTOGRAPHY/FILM.

11.1. There has been widespread concern amongst photographers and journalists about the use of stop and search powers in relation to photography. It is important that police officers are aware, in exercising their search powers, that:

- Members of the public and media do not need a permit to film or photograph in public places;
- It is not an offence for a member of the public or journalist to take photographs/film of a public building;
- The police have no power to stop the filming or photographing of incidents or police personnel.

11.2 On the rare occasion that an officer reasonably suspects that photographs/film are being taken as part of hostile terrorist reconnaissance, a search under Section 43(1) of the Terrorism Act 2000 or an arrest should be considered. Whilst terrorists may undertake hostile reconnaissance as part of their planning and this could entail the use of a camera or video equipment, it is important that police officers do not automatically consider photography/filming as suspicious behaviour.

- 11.3 Cameras, film and memory cards may be seized as part of a search if the officer reasonably suspects they are evidence that the person is a terrorist, or a vehicle is being used for the purposes of terrorism, or that the items contain evidence of another offence, but officers do not have a legal power to delete images or destroy film. Cameras and other devices should be left in the state they were found and forwarded to appropriately trained staff for forensic examination. The person being searched should never be asked or allowed to turn the device on or off because of the danger of evidence being lost or damaged.

12. COMMUNITY ENGAGEMENT.

- 12.1. Stop and search is one of the ways in which the police can protect communities from crime and disorder. Ongoing community engagement is essential in improving relationships with the community and can help to:
- Increase confidence in the Police Service through a greater understanding of why the powers of stop and search are needed and the reasons for their use;
 - Improve public reassurance;
 - Increase the flow of information and intelligence from the community to WMP, which can help to assist with investigations and, ultimately, the prevention of terrorist activity; and
 - Minimise any possible negative impact of police activities within communities.
- 12.2. It is important that when stop and search forms the basis of a policing operation or that a special authorisation is to be used, consultation with the community takes place. This is recognised as good practice, and provides an opportunity for communities to understand why such powers are being used. The Best Use of Stop and Search Scheme undertakes that where Section 60's are authorised, information including the purpose and outcome of each section 60 must be communicated to the public and where practicable, notification must be given in advance. Media releases through Corporate Communications, the OPCC and communications via local stop and search scrutiny panels are all considered appropriate means of notifying the public.
- 12.3. Consultation should continue for the duration of a stop and search operation or where special authorisations are implemented to demonstrate the continued necessity for them.
- 12.4. Where stop and search powers affect sections of the community with who channels of communication are difficult or non-existent, these should be identified and put in place. For example, if Section 47A authorisations have primarily been made around transport hubs, efforts should be made to engage with people using those hubs.

12.5. It is essential when planning counter terrorist operations that the police authority, and local CONTEST strategic partnerships under the PREVENT strand should be involved at the earliest opportunity to provide advice and assistance. Mechanisms for engagement should be sought and should include other policing partners and stakeholders such as:

- Crime and Disorder Reduction Partnerships (CDRP's);
- Local Criminal Justice Boards (LCJB's);
- Local Strategic Partnerships (LSP's);
- Neighbourhood Panel;
- Youth Groups;
- Faith Groups;
- Independent Advisory Groups (IAG)
- Stop and Search Scrutiny Panels

This list is not exhaustive. Consultation should be conducted as widely as possible to demonstrate transparency.

Retrospective and ongoing engagement

12.6. It will not always be possible to carry out community engagement when special authorisations are required as a matter of urgency. In these circumstances, police forces should carry out a retrospective review of the use of the powers, including the stakeholders above.

12.7. WMP should continue to monitor the use of powers for the duration of an authorisation, both in discussion with community representatives and by explaining how and why the powers are being used to individuals who are stopped and searched.

12.8. Officers should be ready to explain to individuals why the powers are in place, insofar as this can be communicated without disclosing sensitive intelligence or causing undue alarm. Raising public awareness of the powers conferred by special authorisations should be considered as part of any wider communications strategy associated with an operation which has a strong emphasis on the use of stop and search.

12.9. Community engagement should be truly reflective of those that may be affected by this enhanced power and wide consultation should take place, using not only established links but through identifying and communicating with groups where links are difficult to establish or non-existent.

12.10. Clear media strategies should be implemented at the earliest opportunity, informing and reassuring communities of the necessity for the authority. A clear media strategy will reduce rumour and speculation over the granting of an authority and prevent misinformation. Media is not considered to be an alternative to community consultation

13. AVOIDING DISCRIMINATION.

- 13.1. The Equality Act 2010 makes it unlawful for police officers to discriminate against, harass or victimise any person on the grounds of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage or civil partnership, pregnancy or maternity in the discharge of their powers. When police forces are carrying out their functions they also have a duty to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity and to foster good relations.
- 13.2. The intrusion on the liberty of the person stopped or searched must be as limited as possible and detention for the purposes of a search must take place at or near the location of the stop and last only as long as necessary.
- 13.3. Racial or religious profiling is the use of racial, ethnic, religious or other stereotypes, rather than individual behaviour or specific intelligence, as a basis for making operational or investigative decisions about who may be involved in criminal activity.
- 13.4. Officers should take care to avoid any form of racial or religious profiling when selecting people to search. This will arise when a search is based purely on the presence of a protected characteristic (i.e. age, race, religion) with no other supporting intelligence. Profiling in this way may amount to an act of unlawful discrimination, as would selecting individuals for a search on the grounds of any of the other protected characteristics listed in paragraph 13.1. Profiling people from certain ethnicities or religious backgrounds may also affect the trust and confidence that communities have in WMP.
- 13.5. Reasonable suspicion can never be supported on the basis of personal factors. It must rely on intelligence or information about, or some specific behaviour by the person concerned. A person's appearance or ethnic background will sometimes form part of a potential suspect's description, but a decision to search a person in this way should be made only if such a description is available.
- 13.6. Where evidence is found of an officer exercising their powers in a discriminatory manner, a report will be submitted to the appropriate authority outlining the allegation(s).

14. AUDIT AND MONITORING OF STOP AND ACCOUNT AND STOP AND SEARCH.

- 14.1. Stop and account will no longer be recorded.
- 14.2. The auditing and monitoring of Stop and Search will be split into five areas of responsibility:
 - WMP Stop and Search Gold, Silver and Bronze Command Structure
 - West Midlands Police and Crime Commissioner (PCC);
 - NPU / Departmental Commander via designated SLT Stop and Search Leads and eSearch SPOC's;
 - Front line supervisors;
 - WMP Force Intelligence Performance Team.

West Midlands Police and Crime Commissioners responsibility

- 14.3. The PCC's Office must monitor WMP's use of stop and search powers and play a proactive role to ensure that public confidence is not damaged as a result of that use.
- 14.4. The PCC's Office must make arrangements for records to be scrutinised by representatives of the community, and explain the use of the powers at a local level, as per the responsibilities set out in PACE Codes of Practice, Code A, paragraph 5.4.

NPU Commander responsibilities

- 14.5. NPU Commanders are responsible for collating and auditing all uses of stop and search authorities for their area. They should be able to demonstrate the effectiveness of these powers (or otherwise) through regular monitoring, taking into account the volume of complaints, the number of fixed penalties, cautions, arrests and charges arising from stops, the impact of crime profiles and the level and quality of local intelligence gathering. Local systems must be in place on NPU to ensure that this takes place. The appropriate use of stop and search, including use of special authorities should be addressed regularly in tasking and co-ordination meetings.
- 14.6. NPU Commanders must ensure that the most appropriate powers are used to achieve policing objectives. They must also ensure that their officers can differentiate between and have a good understanding of the different powers available to them.
- 14.7. NPU Commanders must ensure that the recording requirements detailed in paragraphs 9.13 – 9.16 are complied with, and that local intelligence briefings are maintained and regularly updated as per paragraph 10.1.
- 14.8. NPU Commanders are to ensure that suitable remedial action is taken should any evidence of inappropriate use of powers, including disproportionate targeting, or inadequate recording be found.
- 14.9. NPU Commanders must ensure that a structured debriefing is conducted when a stop and search operation or special authorisation is concluded. The debriefing will seek to review the policing activity involved and determine whether the use of powers for the duration was appropriate. Communities in the locality of where the powers were used will be invited to take part in the debriefing process. This will allow communities the opportunity to share their experience of how powers are being used and discuss any other concerns they may have.

Supervisory responsibilities

- 14.10. Supervisors are reminded that they have a statutory obligation to monitor the activities of their staff in terms of how they exercise these powers and should consider in particular whether there is any evidence that they are being exercised unlawfully. Supervisors must be able to evidence that this monitoring is taking place at the request of PCC's Office or their NPU Commander.
- 14.11. 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.
- 14.12. It is recommended that Supervisors take time with their officers to directly observe instances of Stop and Search and to provide advice and guidance if necessary.

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- 14.13. Supervisors will endorse every eSearch record before it is finalised on the eSearch database) This endorsement will ensure that Supervisors have responsibility for accurate submission of data and in particular that reasonable grounds have been met and are lawful. This endorsement should be compliance with the 'standard met' box on eSearch.

Force responsibilities

- 14.14. The WMP Stop and Search Bronze Lead will maintain the force overview and corporately monitor the use of these powers, advising the Gold and Silver leads, accordingly.

15. HEALTH AND SAFETY.

- 15.1. When undertaking any search, officers should always consider the health and safety of themselves as well as others. Officers should have an appropriate level of personal safety training and be in possession of Personal Protective Equipment (PPE). As a last resort, should officers need to use reasonable force, they should use approved tactics to keep themselves safe and prevent injury to the member of the public.
- 15.2. If, during the course of a stop and search there is a suspicion that a person is in possession of a hazardous device or substance, an officer should immediately request the assistance of officers appropriately trained and equipped to deal with the situation.

16. EQUALITY IMPACT ASSESSMENT (EQIA).

- 16.1. The policy has been reviewed and drafted against all protected characteristics in accordance with the Public Sector Equality Duty embodied in the Equality Act 2010. The policy has therefore been Equality Impact Assessed to show how WMP has evidenced 'due regard' to the need to:

- Eliminate discrimination, harassment, and victimisation.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Supporting documentation in the form of an EQIA has been completed and is available for viewing in conjunction with this policy.

17. HUMAN RIGHTS.

- 17.1. This policy has been implemented and reviewed in accordance with the European Convention and principles provided by the Human Rights Act 1998. The application of this policy has no differential impact on any of the articles within the Act. However, failure as to its implementation would impact on the core duties and values of WMP (and its partners), to uphold the law and serve/protect all members of its community (and beyond) from harm.

18. FREEDOM OF INFORMATION (FOI).

- 18.1. Public disclosure of this policy document is determined by the Force Policy Co-ordinator on agreement with its owner. Version 1.5 of this policy has been marked as Official-Sensitive and is not fully disclosable to members of the public and via the Force WMP internet website. All enquiries should be forwarded to the policy author for assessment.
- 18.2. Public disclosure does not automatically apply to supporting Force policies, directives and associated guidance documents, and in all cases the necessary advice should be sought prior to disclosure to any one of these associated documents.

Which exemptions apply and to which section of the document?	Whole document	Section number
Sensitive document (see above) All enquiries forwarded to the policy author for assessment		

19. TRAINING.

- 19.1. All training will be co-ordinated via the Stop and Search Gold Group and progressed by the Stop and Search Bronze Lead and Learning and Development Unit.

20. PROMOTION / DISTRIBUTION & MARKETING.

- 20.1. The following methods will be adopted to ensure full knowledge of the Policy:
- Policy document and associated documents on the Force Intranet (noticeboard) for the attention of all WMP officers and staff;
 - Recording and audit entry on the Force policy portal (EQUIP);
 - Intranet marketing via the Stop and Search Gold Group / Stop and Search Bronze Lead
 - Promotion through Force FLC and Newsbeat

21. REVIEW.

- 21.1. The policy business owner, Operations maintain outright ownership of the policy and any other associated documents and in-turn delegate responsibility to the department/unit responsible for its continued monitoring.
- 21.2. The policy should be considered a 'living document' and subject to regular review to reflect upon any Force, Home Office/ACPO, legislative changes, good practice (learning the lessons) both locally and nationally, etc.
- 21.3. A formal review of the policy document, including that of any other potential impacts i.e. EQIA, will be conducted by the date shown as indicated on the first page.
- 21.4. Any amendments to the policy will be conducted and evidenced through the Force Policy Co-ordinator and set out within the version control template.

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- 21.5. Feedback is always welcomed by the author/owner and/or Force Policy Co-ordinator as to the content and layout of the policy document and any potential improvements.

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22. VERSION HISTORY.

Version	Date	Reason for Change	Amended/Agreed by.
1.0	17/08/2012	New WMP Stop & Search policy Policy supersedes: • T06 – Terrorism Act 2000 • Orders: 50/2001, 15/2005, 16/2005, 05/2007, 23/2010. Policy has been sanctioned and approved by C/Supt Anderson and ACC Forsyth	New Force policy authorised by CC Sims
1.1	5/11/2012	Amendment to Paragraph 13.5	[REDACTED]
1.2	1/11/2013	Amendment to Section 9.2 to incorporate ACPO level Section 60 authorisation for Pre-planned events. Amendment to Appendix D to reflect this change. Footnote under section 8.2.6. in relation to Stop Search of Children in light of recent FOI request. Addition to section 14.5.4 Supervisors to endorse each S&S form. Amendment to Appendix C to reflect this change. Note: Policy is due a full review – awaiting detail of new Stop and Search recording processes.	[REDACTED]
1.3	14/01/2014	Amendment to Sections 8.3.1 and 8.4.4 reflecting change to recording on SE1 form in addition to Custody Record.	[REDACTED]
1.4	26/08/2014	Amendment to Section 8.2.6 to reflect safeguarding of children under 10. Amendments to Sections 8.3.1, 8.4.1, 8.4.4, 8.4.13, 8.6.10, 9.3.5, 14.5.4, to reflect introduction of the eSearch recording system. Amendments to Sections 9.1, 9.2.1, 9.2.2, 9.2.3, 9.2.4, 9.4.5,	[REDACTED]

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		9.4.6, 14.2, to reflect changes to S60 authorities following WMP's entry into the national Best Use of Stop and Search Scheme. Amendments to Sections 14.3, 14.3.1, 14.3.2, 14.5.1 to reflect the introduction of the Police and Crime Commissioner.	
1.4	18/12/2014	Formatting of policy	
1.4	12/02/2015	Policy approved by CC – New Version now live	
1.5	05/09/2017	New paragraphs (8.45 and 8.46) which outline the national Best Use of Stop and Search Scheme (BUSS) and the College of Policing Authorised Professional Practice (APP) on Stop and Search	

APPENDICIES

Appendix A - Summary of main Stop and Search powers

Unlawful articles in general				
Power	Objective of search	Extent of search	Where exercisable	Special authorisation required?
S.47 Firearms Act 1968	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	No
S.23 Misuse of Drugs Act 1971	Controlled Drugs	Persons and vehicles	Anywhere	No
S.1 Police and Criminal Evidence Act 1984	Stolen goods; articles for use in Burglary, theft, fraud or deception; offensive weapons including bladed or sharply-pointed articles (except folding pocket knives with a bladed cutting edge not exceeding 3 inches); prohibited possession of a category 4 (display grade) firework, any person under 18 in possession of an adult firework in a public place. Criminal Damage: articles made, adapted or intended for use in destroying or damaging property'	Persons and vehicles	Where there is public access	No
S.7(2/3) Sporting Events (Control of Alcohol etc) Act 1985	Intoxicating liquor	Persons, coaches, trains	Designated sports grounds or coaches and trains travelling to or from a designated sporting event.	No
S.4 Crossbows Act 1987	Crossbows or parts of crossbows (except crossbows with a draw weight of less than 1.4 kilograms)	Persons and vehicles	Anywhere except dwellings	No
S.60 Criminal Justice and Public Order Act 1994 as amended by S.8 if the Knives Act 1997	Offensive weapons or dangerous instruments to prevent incidents of serious violence or to deal with the carrying of such items.	Persons and vehicles	Anywhere within a locality authorised by an Assistant Chief Constable or above	Yes
S.6 Public Stores Act 1875	HM Stores stolen or unlawfully obtained	Persons, vehicles and vessels	Anywhere where the constabulary powers are exercisable	No
S.163 Customs and Excise Management Act 1979	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	No
S.27(1) Aviation Security Act 1982	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 airport	No
S.139B Criminal Justice Act 1988	Offensive weapons, bladed or sharply pointed article	Persons	School premises	No

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S.6(3) Police and Criminal Evidence Act 1984 (by a constable of the UK Atomic Energy Authority Constabulary in respect of property owned or controlled by British Nuclear Fuels plc; British Transport Police on any area connected with Railways)	HM Stores (in the form of goods and chattels belonging to British Nuclear Fuels plc; BTP – any goods contained within a goods area within the premises of British Railways Board, or any successor)	Vehicles only	Anywhere where the constabulary powers are exercisable	No
New Psychoactive Substances Act 2016	Search for New Psychoactive Substances	Persons and Vehicles	Anywhere	No
Evidence of game and wildlife offences				
Power	Objective of search	Extent of search	Where exercisable	Special authorisation required?
S.2 Poaching Prevention Act 1862	Game or poaching equipment	Persons and vehicles	A public place	No
s.12 Deer Act 1991	Evidence of offences under the Act	Persons and vehicles	Anywhere except dwellings	No
S.4 Conservation of Seals Act 1970	Seals or hunting equipment	Vehicles only	Anywhere	No
s.11 Badgers Act 1992	Evidence of offences under the act	Persons and vehicles	Anywhere	No
S.19 Wildlife and Countryside Act 1981	Evidence of wildlife offences	Persons and vehicles	Anywhere except dwellings	No
Terrorism offences				
Power	Objective of search	Extent of search	Where exercisable	Special authorisation required?
S.43 Terrorism Act 2000	Evidence of liability to arrest under s.14 of the Act	Persons	Anywhere	No
S.47A Terrorism Act 2000	for the purpose of discovering whether there is anything that may constitute evidence that the vehicle being searched is being used for the purposes of terrorism, or the individual being searched is a terrorist	Persons, vehicles	Within the geographical area as defined by the authority	Yes

WC332
03/17

Stop and Search

Call: 805 6666



Power

- 1 Drugs
- 2 Section 1 PACE

A typical response would be "2,5" if the Power was 'S1 PACE & Object 'Fireworks'. The Object of search will default if there is only 1 option.

- 3 S47 Firearms Act
- 4 Section 60 CJPO Act 1994
- 5 Section 43 Terrorism Act
- 6 New Psychoactive Substances Act 2016
- 7 Other (eSearch contains list of additional powers)

Object

- 1 Search for Drugs
- 2 Stolen Items
- 2 Offensive Weapon/Bladed Article
- 3 Articles for Burglary/Theft/Fraud/TWOC
- 4 Items for Criminal Damage
- 5 Fireworks
- 1 Firearms
- 1 Dangerous Items/Offensive Weapons
- 1 Evidence of Terrorism
- 1 Search for NPS

Self Assessed Ethnicity (16+1)

- A1 Asian - Indian
- A2 Asian - Pakistani
- A3 Asian - Bangladeshi
- A9 Asian - Any Other Asian background
- B1 Black - Caribbean
- B2 Black - African
- B9 Black - Any Other Black background
- M1 Mixed - White & Black Caribbean
- M2 Mixed - White and Black African
- M3 Mixed - White & Asian
- M9 Mixed - Any Other Mixed Background
- O1 Other - Chinese
- O9 Other - Any Other Ethnic Group
- W1 White - British
- W2 White Irish
- W9 White - Any Other White background
- NS Not Stated

Officer assessed Ethnicity (PNC)

- IC1 White North European
- IC2 White South European
- IC3 Black
- IC4 Asian
- IC5 Chinese/Japanese/South East Asian
- IC6 Middle Eastern
- IC9 Other

Grounds for Search - Multi Select

- 1 Acting Suspiciously
- 2 Stopped in tasking area
- 3 Stopped in high crime area
- 4 Could not give reasonable explanation
- 5 Tried to avoid police
- 6 Seen to discard an item
- 7 Seen to conceal item
- 8 Smell of controlled drug
- 9 Current Intelligence
- 10 Matches Description

Grounds will be supported by a free text explanation

Outcome

- 1 Arrested - Consequence of Stop & Search
- 2 Arrested - Unrelated Offence including Warrant/PNC
- 3 Community Resolution
- 4 Fixed Penalty
- 5 Cannabis Warning
- 6 Street Bail
- 7 Street Summons
- 8 Conditional Bail
- 9 Out of custody Caution
- 10 Substance seized, person not arrested
- 11 NFA

Aide Memoire

Conduct of searches. Officers must take reasonable steps to give the person to be searched or in charge of the vehicle the following **before** conducting the search:

- Grounds for the search
- Object/purpose of the search
- Warrant card to be produced if not in uniform
- Identify themselves: give their name
- State their station
- Explain entitlement to copy of search record if requested within a year
- Legal power used
- You are detained for purpose of search

Failure to comply with these requirements may render the search and all subsequent actions unlawful.

Officers must always respect the dignity of individuals and be polite and courteous when conducting searches. Every effort should be made to secure a person's co-operation in the production of an article sought before resorting to the use of force. Where force is used, this must be documented with reason a.

NOTES FOR GUIDANCE

GROUND. 'Reasonable grounds to suspect' must be based on objective grounds. As a guide, the grounds of a search should satisfy an observer viewing the circumstances independently. 'Known criminal', 'seen in a high crime area' or 'time of day', or a combination of these are not valid grounds for a search. Grounds such as 'acting suspiciously/furtively' must be qualified by specific detail of action or conduct. Stops/searches and the manner in which they are carried out may have considerable impact on relationships between the police and local communities.

Stop and search powers do not affect the ability of an officer to speak to or question a person in the ordinary course of their duties.

VOLUNTARY SEARCHES. Force Policy states we do not conduct voluntary searches.

OBJECT OF THE SEARCH. The items sought in a search must be specific and relate to the grounds for conducting the search, for example items for 'going equipped', offensive weapon, knife or bladed implement. Phrases such as 'prohibited articles' are not specific enough and are not acceptable.

RECORDING

A) Search

An officer who has carried out a search must make a written record of it unless it is not practicable to do so on account of the numbers being searched or for some other operational reason e.g. in situations involving public disorder. This should be done as soon as practicable after the search, but preferably at the time of the search.

Front Cover of eSearch Receipt Pad

Officer Guidance Notes

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STOP SEARCH Reference Number

WEST MIDLANDS POLICE

Stop & Search Reference or Date & Time

Officer Collar Number

West Midlands Police conduct Stop and Search in order to prevent and detect crime. Stop and Search is only carried out where there are reasonable grounds to do so.

Any officer who stops and searches you must always give you their name or identity number and station to which they are attached.

They must also tell you:

- Why you are being stopped and searched;
- What they are looking for;
- The legal power under which you are being searched, and,
- Your right to a receipt..

YOUR ENTITLEMENT TO A RECORD OF SEARCH

You have a right to a copy of your stop and search record To get a copy;

- Go to a West Midlands Police station within three months of the search with either the stop and search reference number on this receipt or identification (driving licence, passport etc)
- Go to www.westmidlands-pcc.gov.uk/stopsearch and follow the instructions

WANT TO KNOW MORE ABOUT STOP AND SEARCH ?

If you would like to find out more about stop and search powers, how to provide feedback or how to make a complaint, visit:

<http://www.westmidlands-pcc.gov.uk/stopsearch>



eSearch receipt which also provides advice around rights and entitlements for the subject of the Stop and Search

08:49pm100%

Police:
How did it go? 😊 😞

Community:
Well, can I tell you about it?

Police:
It would be great if you could, that way we can learn

Community:
And how do I do that?

Police:
Tell us on this link:
www.westmidlands-pcc.gov.uk/stopsearch
or scan:

Provides subjects with information around how to provide feedback.

APPENDIX C – Stop & Search Process

ON THE STREET

Officer has reasonable grounds to conduct a Stop and Search on a person or vehicle in order to find:

- Stolen Goods
- A knife, pointed or bladed article or other offensive weapon
- Articles for use in Burglary, Theft, Damage or Deception (going equipped) or fraud
- Drugs/Illegal substances
- A firearm

Even where a S.60 CJPO authority in force, officers must still in the first instance prefer the use of a stop and search power where suspicion is required.

Officer highlights to the subject:

Grounds for the search
 Object of the search
 Warrant card (if in plain clothes or requested)
 Identity of the officer(s)
 Station to which attached
 Entitlement to a copy of the search record
 Legal power exercised
 You are detained for the purpose of a search

Officer completes eSearch record of the search (unless the subject is arrested or unless it is not practicable to do so in which case the record must be made as soon as is practicable. or)

eSearch receipt is issued to the subject, and they are advised they can apply for copy of record at a later date

Officer considers whether the stop and search is of intelligence value:



Yes

eSearch; submit IMS log

Submit an intelligence log on IMS upon return to the police station

No

eSearch record validated electronically by Supervisor.

eSearch error-free?

Yes

stored electronically

No

eSearch Officer advised and developed

Complete

IN THE STATION



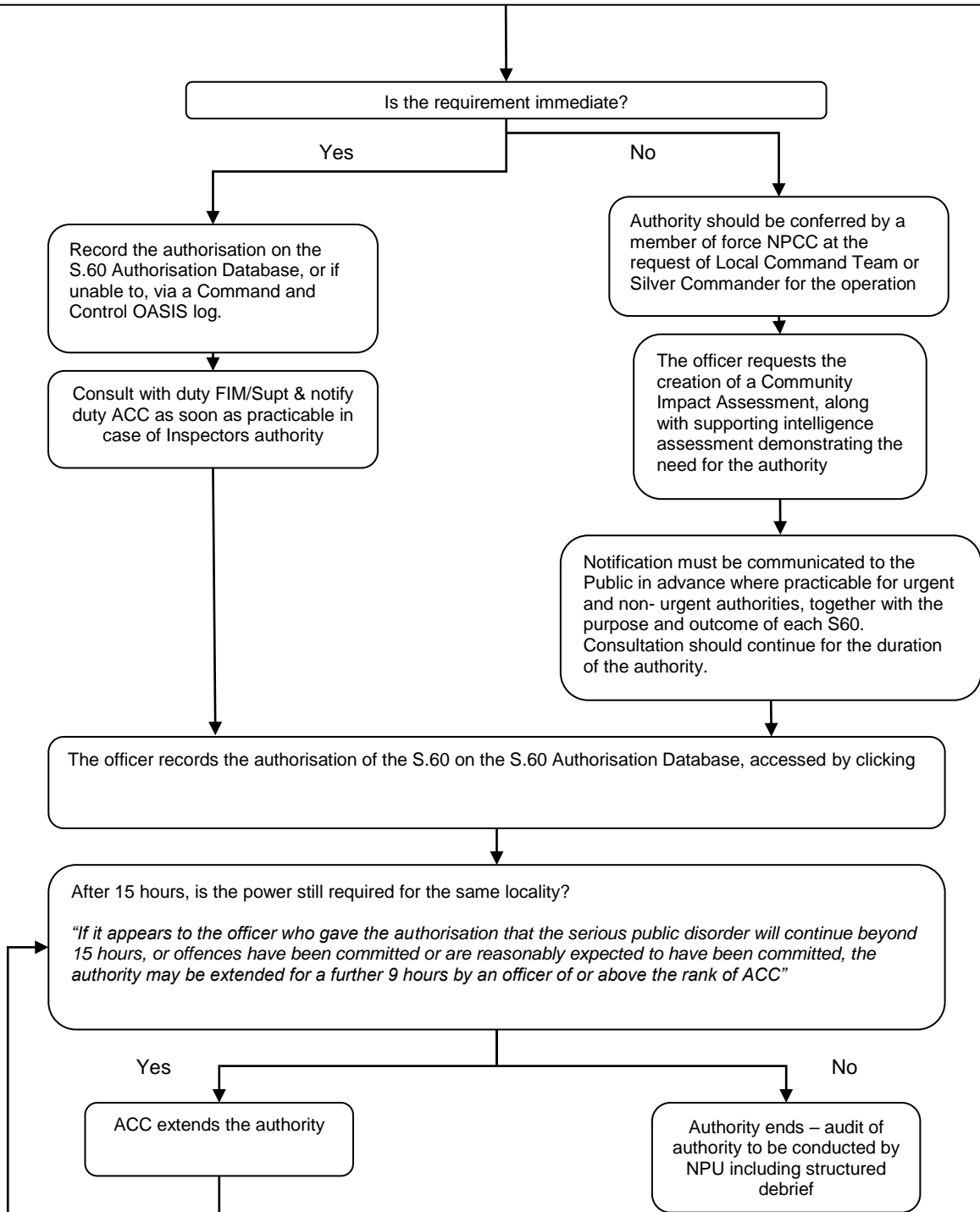
APPENDIX D – S.60 Criminal Justice and Public Order Act 1994 Authorisation Process

Officer of ACC or above (Inspector in urgent circumstances) determines the need for a S.60 CJPO authorisation:

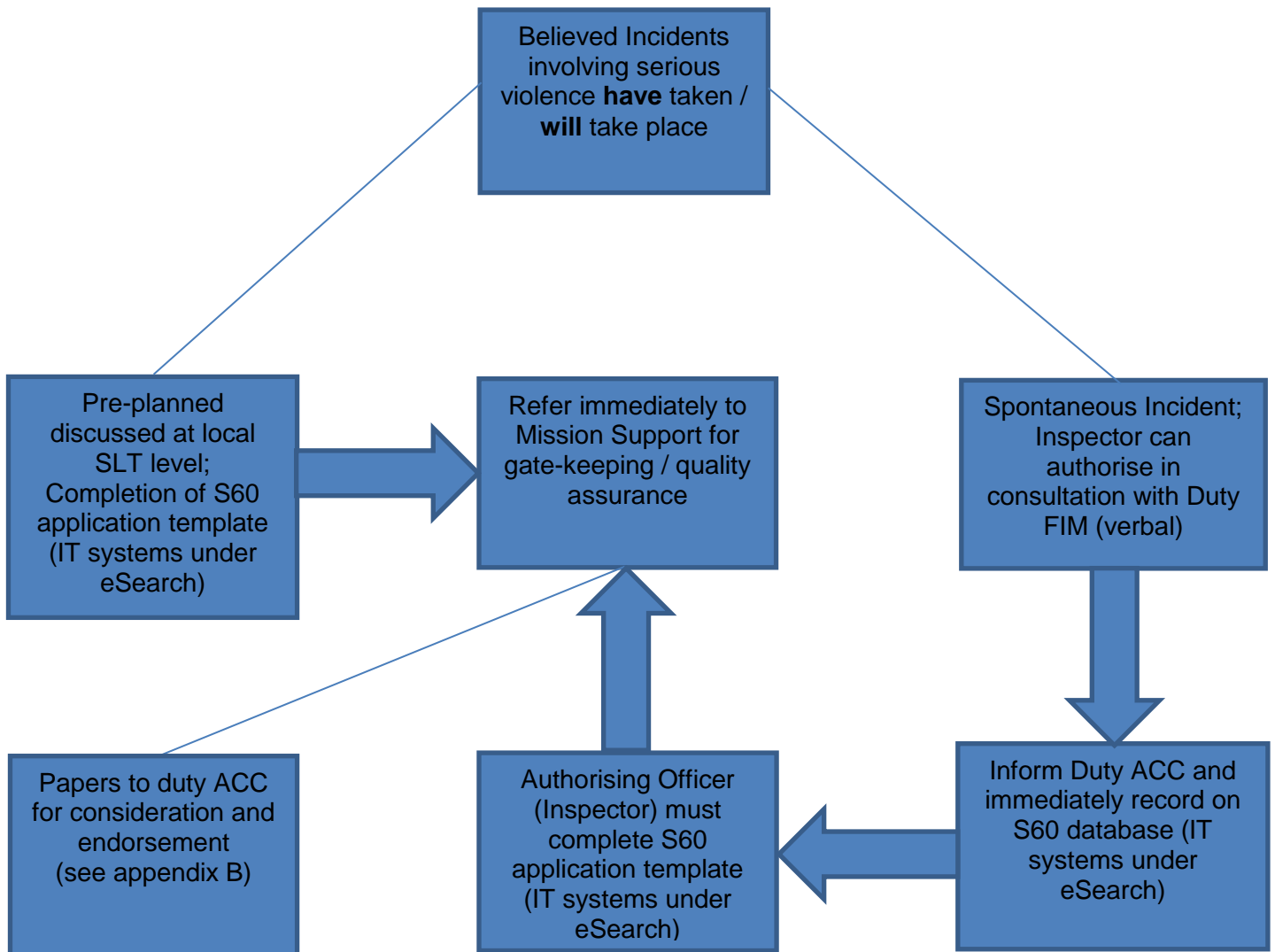
"To prevent serious violence or because dangerous instruments or offensive weapons may be being carried"

And/or an authorisation under S60AA CJPO to:

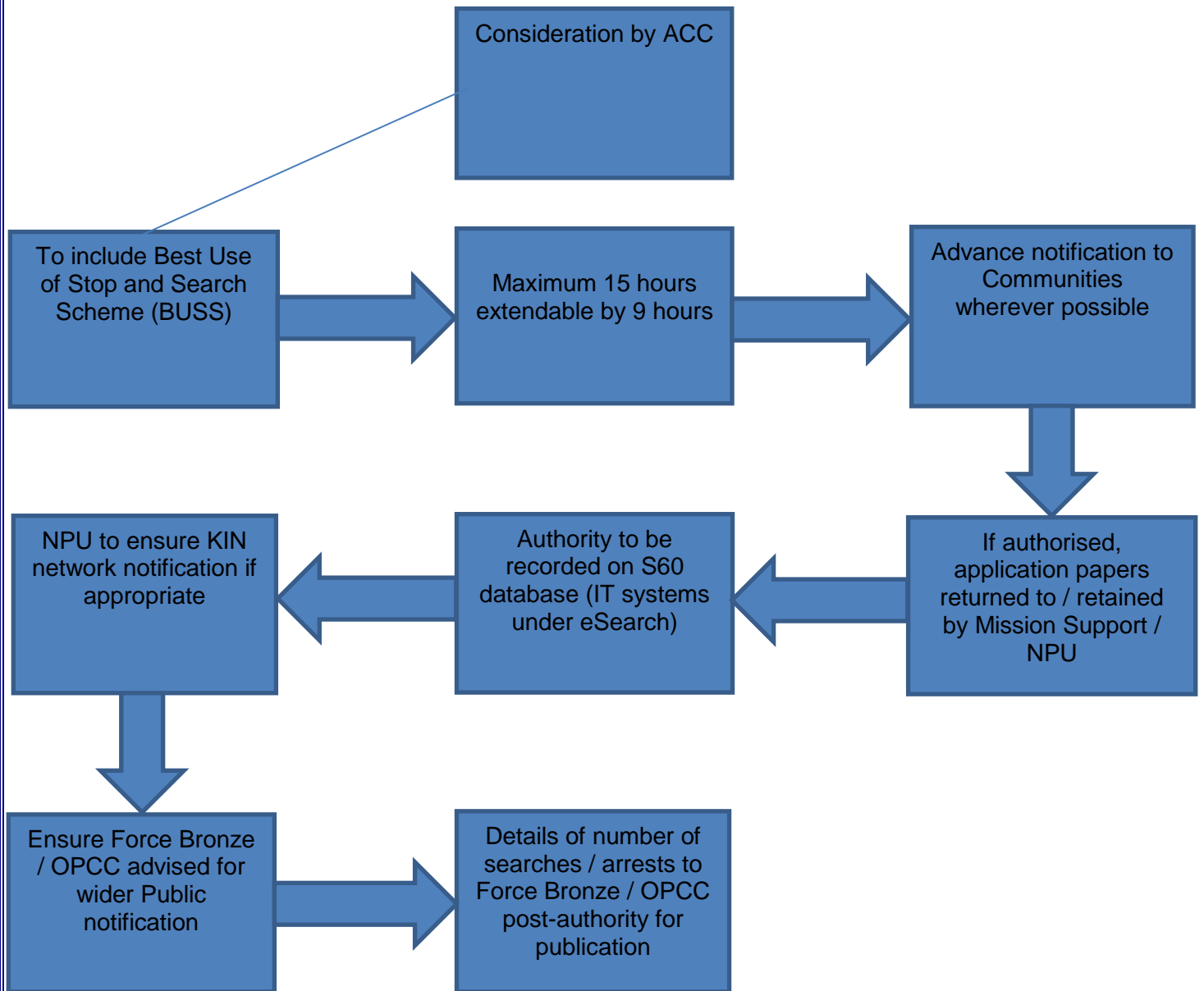
Authorise the removal of disguises in a specified locality for UP TO 15 HOURS, where activities will take place that are likely to involve the commission of offences and it is necessary to give the authorisation in order to prevent or control the activities.



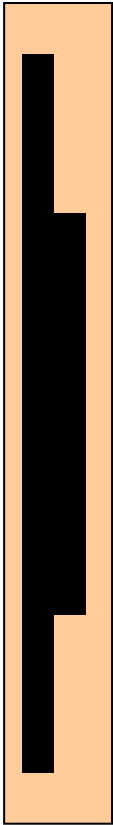
S60 / S60AA CJPO Act 1988 Application guidance



S60 / S60AA CJPO Act 1988 Application guidance



IN FORCE



[illegible]

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<div data-bbox="113 127 213 165" data-label="Text"><p>[REDACTED]</p></div>	<div data-bbox="276 127 651 165" data-label="Text"><p>[REDACTED]</p></div> <div data-bbox="276 194 1394 367" data-label="Text"><p>[REDACTED]</p></div> <div data-bbox="276 396 1402 602" data-label="Text"><p>[REDACTED]</p></div> <div data-bbox="276 631 1361 736" data-label="Text"><p>[REDACTED]</p></div>
<div data-bbox="113 768 213 806" data-label="Text"><p>[REDACTED]</p></div>	<div data-bbox="276 768 844 806" data-label="Text"><p>[REDACTED]</p></div> <div data-bbox="276 835 1385 1008" data-label="Text"><p>[REDACTED]</p></div> <div data-bbox="276 1037 1394 1209" data-label="Text"><p>[REDACTED]</p></div>
<div data-bbox="113 1240 213 1279" data-label="Text"><p>[REDACTED]</p></div>	<div data-bbox="276 1240 1161 1279" data-label="Text"><p>[REDACTED]</p></div> <div data-bbox="276 1308 1402 1480" data-label="Text"><p>[REDACTED]</p></div> <div data-bbox="276 1509 1399 1615" data-label="Text"><p>[REDACTED]</p></div> <div data-bbox="276 1644 1402 1749" data-label="Text"><p>[REDACTED]</p></div> <div data-bbox="276 1778 1402 2085" data-label="Text"><p>[REDACTED]</p></div>

<div data-bbox="113 127 229 199" data-label="Text"><p>[REDACTED]</p></div>	<div data-bbox="276 127 632 163" data-label="Text"><p>[REDACTED]</p></div> <div data-bbox="276 194 1404 566" data-label="Text"><p>[REDACTED]</p></div> <div data-bbox="276 598 1398 869" data-label="Text"><p>[REDACTED]</p></div> <div data-bbox="276 900 1404 1104" data-label="Text"><p>[REDACTED]</p></div> <div data-bbox="276 1135 1404 1205" data-label="Text"><p>[REDACTED]</p></div>
<div data-bbox="113 1238 229 1274" data-label="Text"><p>[REDACTED]</p></div>	<div data-bbox="276 1238 775 1274" data-label="Text"><p>[REDACTED]</p></div> <div data-bbox="276 1305 1404 1711" data-label="Text"><p>[REDACTED]</p></div> <div data-bbox="276 1742 1398 1814" data-label="Text"><p>[REDACTED]</p></div>
<div data-bbox="113 1886 229 1921" data-label="Text"><p>[REDACTED]</p></div>	<div data-bbox="276 1886 622 1921" data-label="Text"><p>[REDACTED]</p></div> <div data-bbox="276 1953 1391 2087" data-label="Text"><p>[REDACTED]</p></div>

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