

Dyfed-Powys Police

Stop Check & Stop Search Policy

HQ Policy Ref No: 7/01

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Document History

Version	Date	Author	Reason for Change
3	21/08/01	A/Chief Insp. Westlake (Community Safety)	New ACPO Stop and Search Guide Issues
4	19/02/02	Chief Supt Mark J. Cox	Review
5	19/12/03	Chief Inspector J.F.Stretton	Changes in Legislation to PACE and Codes of Practice
6	24/03/05	Chief Inspector P Davies	Recommendation 61 of Stephen Lawrence Inquiry
7	08/12/06	Chief Inspector P Davies	Annual Review
			1.7 Chapter 1, page 7
			1.8 Chapter 1, page 8
			1.9 Chapter 1, page 9 intelligence use of powers
			1.10.1 Management issues
			3.5 Chapter 3, page 20
			4.8 Chapter 4, paragraph 4.9, page 29 Using information
			Chapter 6, paragraph 6.1, our force chief officer
			Chapter 6, paragraph 6.3.1, page 37 Recommendations to Steven Lawrence Enquiry Report
8	01/02/08	Chief Inspector P Davies	Annual Review – Appendix F, form A271, added following Corporate Services Review
9	04/02/09	Chief Inspector P Davies	Annual review – paragraph 3.5, recording of encounters, paragraph 5.3 copies of forms supplied.

Consultation Circulation List

Policy Contents

This policy has been drafted in accordance with the Human Rights Act, 1998 and the Race Relations (Amendments) Act, 2000.

1. Policy

It is the policy of Dyfed Powys Police that:

1.1 Officers' are empowered to conduct **RoadTraffic Stop Checks; Stop Checks; and** where reasonable grounds exist, to conduct **Stop Searches** of persons and / or vehicles in accordance with the Police and Criminal Evidence Act (see **Appendix A**) and its Code of Practice or other legislative search powers.

1.2 Whilst exercising their powers and duties, Police officers will:

- (a) engage themselves in an intelligence led and targeted style of policing;
- (b) be expected to contribute to and make use of all information and intelligence systems at their disposal; and
- (c) must ensure that:
 - they give due regard to the each individuals welfare, safety, and human rights;
 - they do not discriminate on racial grounds, either directly, indirectly or by victimisation against any individual or group of individuals;
 - actions taken are justified, strictly proportionate to, and the least intrusive and damaging option to the achievement of their legitimate aims;
 - follow the guidance, which is contained in **Appendix B** of this policy.

1.3 In carrying out these duties police officers must:

- (a) endeavour to gather **Crime and Community Intelligence** in order to continually feed the intelligence led and targeted style of policing;
- (b) officers will endeavour to undertake a decision making process by detailing their objective(s), assessing all available and relevant information and feasible options;
- (c) have due regard for the need in everything that they do, to:
 - avoid discrimination;
 - promote equality of opportunity; and
 - promote good relations between people from different ethnic groups.

1.4 This decision making process will be subject of review and scrutiny by Divisional Supervisors, Managers, and Community Safety Officers as well as other relevant parties as appropriate.

2. Aim and Lawful Authority

2.1 The aim of Dyfed Powys Police, working in partnership with the community, in support of the principle that "All citizens have a civic duty rather than a legal duty to help police officers to prevent crime and discover offenders (Police and Criminal Evidence Act 1984 – Codes of Practice A, Notes for guidance 1) is to:

- (a) reduce, prevent and detect offences and crime by the effective use of the powers of ***Stop Check*** and ***PACE Stop Searches***;
- (b) identify and collate ***Crime and Community Intelligence***.

2.2 The lawful authorities for the exercise of powers are as outlined in this policy are Police and Criminal Evidence Act 1984, Codes of Practice A Paragraphs 2.1 to 2.29 and Appendix A, Summary of Main Stop Search Powers.

NB All searches will be made under the appropriate power. An officer must not search a person, even with his/her consent, where no power to search is applicable. Even where a person is prepared to submit to a search voluntarily, the person must not be searched unless the necessary legal power exists, and the search must be in accordance with the relevant power and the provisions of the Codes of Practice. The only exception, where an officer does not require a specific power, applies to searches of persons entering sports grounds or other premises carried out with their consent given as a condition of entry (PACE Codes of Practice a Paragraph 1.5).

2.3 Dyfed-Powys Police consider that these actions are necessary in a democratic society in the interests of:

- National security,
- public safety,
- the prevention of disorder or crime,
- the protection of public order,
- the protection of health and morals,
- the protection of rights and freedom of others.

3. Definition of Terms

Road Traffic Stop Check

3.1 Section 163 (and other associated sections of the Road Traffic Act 1988), allows a Police Officer to stop a vehicle to:

- (a) speak to or question the driver / rider / passenger as to their authority to drive or being in or on the vehicle; or
- (b) to ascertain the vehicle's roadworthiness / suitability to be so used.

Stop Check

3.2 To ensure a consistent approach to this new requirement, Code A clearly defines non-statutory encounters (i.e. stops) as:

"When an officer requests a person in a public place to account for themselves, i.e. their actions, behaviour, presence in an area or possession of anything"

This requirement does not apply to general conversations such as when giving directions to a public place, or when seeking witnesses. It also does not include occasions on which an officer is seeking general information or questioning people to establish background to incidents, which have required officers to intervene to keep the peace or resolve a dispute.

When stopping a person in a vehicle, a separate record need not be completed when an HORT/1 form, a Vehicle Defect Rectification Scheme Notice, or an Endorsable Fixed Penalty ticket is issued. It also does not apply when a specimen of breath is required under Section 6 of the Road Traffic Act 1988.

Crime and Community Intelligence

3.3 Information which, when assessed, provides intelligence on:

- (i) crime and non-crime incidents;
- (ii) the quality of life experienced by individuals and groups,

that informs both the strategic and operational perspectives in the Policing of local communities in a partnership approach under The Crime and Disorder Act 1998.

Intelligence Led Use of Powers

3.4 Use of the National Intelligence Model (NIM) leading to effective officer briefing is essential in using these powers. Using accurate intelligence as the grounds for stopping people, either to account for themselves or to search them, tends to lead to more productive outcomes when using these powers and minimises the need for individual officers to apply discretion. Stops involving a high level of officer discretion, for example, stopping a person based on suspicious circumstances that are immediately present will continue to take place. High discretion encounters, however, must take place for unbiased reasons in order to avoid arbitrary and disproportionate use of these powers.

PACE Stop & Search

3.5 Where an Officer requests a person in a public place to account for themselves, i.e. their actions, behaviour, presence in an area or possession of anything, **a record of the encounter (STOP)** will be completed at the time in the form of an A271 and a copy given to the person who has been questioned. During such encounters officers are only legally required to record the self-defined ethnicity of persons asked to stop and account. Officers will also as a Force requirement, record as a minimum a record of the date, time and location of the encounter.

3.6 An officer who has carried out the Search in the exercise of any power to which Code A: Codes of Practice applies, will make a record of such a search on the form A271 **(Appendix F)**.

4. Derogations

4.1 If the 'stopping' of any vehicle was solely or primarily confined to Road Traffic matters (i.e. Road Traffic Stop Check) particularly where it led to:

- (i) the issue of a HO/RT/1 - (production of driving documents form)
- (ii) the issue of a Vehicle Defect Rectification Form.
- (iii) the issue of a Fixed Penalty Form.
- (iv) the driver / passenger being reported for any Road Traffic offence, or
- (v) the driver / passenger being arrested for any Road Traffic offence.

the recording requirements of this policy in relation to the A.271 forms will not apply. (See paragraph. 5.2 post).

5. Enforcement and Reporting

Enforcement

5.1 It will be the responsibility of all officers, supervisors and managers to ensure strict compliance with this policy.

Recording

5.2 An officer who has carried out a search in the exercise of any power to which the PACE Codes of Practice applies, must make a record of it at the time, unless there are exceptional circumstances which would make this wholly impracticable (e.g. in situations involving public disorder or when the officer's presence is urgently required elsewhere). If a record is not made at the time, the officer must do so as soon as practicable afterwards. There may be situations in which it is not practicable to obtain the information necessary to complete a record, but the officer should make every reasonable effort to do so (PACE Codes of Practice A Paragraph 4.1).

5.3 Details of all Stop Checks and PACE Stop Searches will be recorded on an A271 **(Appendix F)** Stop Check PACE Search form. For a Stop Check (encounter) the officer will record as a minimum (i) and (ii) below:

- (i) The date, time and place of the Stop Check (encounter).
- (ii) A note of the person's self-defined ethnic background.

With the option of further recording at the officer's discretion, (iii), (iv), (v) and (vi).

- (iii) The reason why the officer questioned that person.
- (iv) If the person is in a vehicle, the registration number of the vehicle.
- (v) The outcome of the encounter.

During a Stop & Search, the officer in addition will record:

- (vi) The name of the person searched (if withheld a description).
- (vii) The date, time and place the person or vehicle was searched (if different from 1. above)
- (viii) The purpose of the search.
- (ix) The grounds for making the search, or in the case of a specific power, the nature of that power, any necessary authorisation and the fact that it had been given.
- (x) The outcome of the Stop & Search.
- (xi) A note of any injury or damage caused to property.

5.4 A copy of a record made at the time will be given immediately to the person who has been Stop Checked / Stop Searched. The officer must ask for the name, address and the date of birth of the person Stop Searched, but there is no obligation on a person to provide these details and no power of detention if the person is unwilling to do so. (PACE Codes of Practice A paragraph 4.2 & 4.8)

5.5 A record of the Stop Check must always be made when a person requests it, regardless of whether the officer considers that it falls within Stop Check criteria. If the form A271 was requested when the officer does not believe the criteria for recording is met, then this should be recorded on the form (para 4.19 Code A).

5.6 The data content of these forms will be collated and regularly evaluated by Divisional and Headquarters Tasking & Co-ordinating Meetings, The Dyfed Powys Equality of Service Delivery Management Group, Her Majesty's Inspector of Constabularies (HMIC), The Home Office Research, Development and Statistics Directorate and Best Value Regime, County Community Safety Groups and other bodies as appropriate.

Recording Ethnic Origins

5.7 In accordance with the Police and Criminal Evidence Act 1984, Codes of Practice A, Notes for Guidance 18, this Stop Check/PACE Stop Search policy will ensure officers record the self-defined ethnicity of every person stopped according to the categories used in the 2001 census question listed in Annex B of that code and reproduced at Appendix D of this document.

5.8 Officers should be aware that requesting individuals to declare their ethnic origin can be intrusive and might be regarded as confrontational. Officers should be prepared to explain to a member of the public, especially where concerns are raised, that this information is required to obtain a true picture of stop and search activity and to help improve ethnic monitoring, tackle discriminatory practice, and promote effective use of powers. If the person gives what appears to the officer to be an "incorrect" answer (e.g. a person who appears to be white states that they are black), the officer should record the response that has been given.

5.9 Officers should also record their own perception of the ethnic background of every person stopped and this must be done by using the PNC/Phoenix classification system. If the "Not Stated" category is used the reason for this must be recorded on the form.

6. Accessibility, Redress and Reviews

- 6.1 This Document will be published and made readily available to all police officers, support staff and volunteers within the Dyfed Powys Police via the Force Intranet system, or where this facility is not available, and at the discretion of Divisional Commanders / Heads of Departments, through paper dissemination.
- 6.2 It will be made available to the general public via the force external Internet Site (www.dyfed-powys.police.uk) or upon written requests made to the force Policy Co-ordinator.
- 6.3 The operation of this policy by Dyfed Powys Police Officers will be subject to internal and external review mechanisms. These include the Dyfed Powys Police Professional Standards Department, Her Majesty's Inspector of Constabularies (HMIC), The National Assembly for Wales, Home Office Research, Development and Statistics Directorate and Best Value Regime, County Community Safety Groups and other bodies as appropriate.

Complaints

- 6.4 Any person (or persons) who has / have cause to feel aggrieved by the operation of this policy may seek redress via the Dyfed Powys Police Professional Standards Department in one of the following ways:
- (a) In relation to the content of this policy any question or complaint will be dealt with in accordance with the Dyfed Powys Police Direction & Control Complaints Procedures.
 - (b) Matters relating to the specific conduct of Police Officers will be dealt with using the Police Misconduct Regulations, or
 - (c) Any individual who believes that they have been directly affected by a failure to the Dyfed Powys Police Service to comply with the provisions of the Race Relations (Amendments) Act by the enforcement of this policy, should forward their complaints in writing to the Assistant Chief Constable, in his capacity as chair of the Equality of Service Delivery Group and as Head Of Professional Standards. If any individual feels that they have been subject to discrimination then they are entitled to consult a solicitor at any time for legal advice on appropriate action to be taken.
- 6.5 In exercising their right as detailed in 6.4 above, the individual will have a right to make representation to the Dyfed Powys Police Professional Standards Department and in so doing may seek legal advice.
- 6.6 This policy will be reviewed annually by the Dyfed Powys Police and may where appropriate are subject to independent scrutiny by the National Assembly for Wales, Her Majesties Inspector of Constabulary and any other relevant bodies or parties.
- 6.7 Public consultation is an important part of this process and any views or comments will be welcomed. These should be addressed to:
- The Chief Constable,
Dyfed-Powys Police,
PO Box 99,
Llangun nor,
Carmarthen,
Carmarthenshire. SA31 2PF

Issue	Question	Response	Page Ref
AUDITING FOR POTENTIAL INTERFERENCE AND DISCRIMINATION	Have the contents of this policy (and any attendant powers, authorities and directions contained within it) been audited for potential interference with an individuals rights?	YES.	See opening Statement Page 3
KEY HUMAN RIGHTS PRINCIPLES	Have the contents of this policy been audited for the potential for it to be discriminatory. In relation to the application or provision of such rights?	YES	Page 3 Para. 1.2
KEY HUMAN RIGHTS PRINCIPLES	Does the policy contain a statement explaining what the legal basis is for the policy (and any attendant powers, authorities or directions given within it)?	YES	Page 4 Para. 2.2
KEY HUMAN RIGHTS PRINCIPLES	Does the policy provide details of what could be considered a legitimate aim(s) for the potential interference with an individual's rights by virtue of exercising the policy and its attendant powers, authorities or directions?	YES	Page 4 Para. 2.3
KEY HUMAN RIGHTS PRINCIPLES	Are supervisors and practitioners made aware of the need to follow a clearly defined decision making process in considering all information and deciding on courses of action?	YES	Page 3 Para. 1.3 and 1.4
KEY HUMAN RIGHTS PRINCIPLES	Is it explicit within the policy what the minimum standards are in relation to	YES	Page 6 Para 5.2 and Para 5.3

	the documentation of such decision-making?		
KEY HUMAN RIGHTS PRINCIPLES	Does the policy provide managers and practitioners with clear guidance on establishing the:-		
	<p>Legal basis of their actions</p> <p>The aim of their actions (legitimate aims can only be established by virtue of the exemptions and derogation's given in the act)</p> <p>Whether their actions are justified and proportionate in seeking to achieve their aim(s)</p> <p>Whether the intended action is the least intrusive and damaging option to achieving the aim(s)</p> <p>The need to document clearly the decision-making process and outcomes of action.</p>	<p>YES</p> <p>- do -</p> <p>- do -</p> <p>- do -</p> <p>- do -</p>	<p>Para. 2.2</p> <p>Para. 2.3</p> <p>Para. 1.2</p> <p>Para. 1.2</p> <p>Para 1.3</p>
DELINIATING BETWEEN POLICY AND TACTICS	Does the policy incorporate police tactics, which would make it impractical to publish the contents? (NB: due to publication requirements it is suggested that tactical material is not included in policy documentation for security reasons).	NO	
RIGHTS, PUBLICATION AUDIT AND INSPECTION	Does the policy contain a statement in favour of public disclosure or, if this is inappropriate, justification of any reservation to this rule on public interest/other grounds?	<p>YES</p> <p>YES</p>	<p>See Pages 6 & 7</p> <p>Paragraphs 6.1 – 6.7</p>

**CERTIFICATE OF
COMPLIANCE**

This policy has been drafted in accordance with the Human Rights Act and has been reviewed on the basis of its contents and the supporting evidence and it is deemed compliant with that Act and the principles underpinning it.

Signed:

(Force Legal Adviser)

Name: Samantha Gainard

Department: Headquarters Legal Services

REVIEW

This policy is due for review by:
Date: 1 February, 2004. Review carried out December, 2003

Police Power to Stop Mechanically Propelled Vehicles

Section 163 of the Road Traffic Act, 1988, as amended by the Road Traffic Act, 1991, allows a constable in uniform to stop a mechanically propelled vehicle being driven, or a cycle being ridden, on a road. Failure to comply with the requirement to stop is an offence.

SUMMARY OF MAIN STOP AND SEARCH POWERS

	Object of Search	Extent of Search	Where Exercisable
Unlawful articles general			
1. Sec 6, Public Stores Act 1875.	HM Stores stolen or unlawfully obtained	Persons, vehicles and vessels	Anywhere where the constabulary powers are exercisable
2. Sec. 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
3. Sec. 23 Misuse of Drugs Act, 1971	Controlled drugs	Persons and vehicles	Anywhere
4. Sec. 163 Customs & 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
5. Sec. 27 (1) Aviation	Stolen or unlawfully	Airport employees and vehicles	Any designated airport

Security Act 1982.	obtained goods	carrying airport employees or aircraft or any vehicles in a cargo area whether or not carrying an employee	
6. Sec 1 Police and Criminal Evidence Act 1984. Sec 6(3) Police and Criminal Evidence Act 1984. (by a constable of the U.K. Atomic Energy Authority Constabulary in respect of property owned or controlled by British Nuclear Fuels plc	Stolen goods; articles for use in certain Theft Act offences; offensive weapons, including bladed or sharply – pointed articles (except folding pocket knives with a bladed cutting edge not exceeding 3 inches) HM Stores (in the form of goods and chattels belonging to British Nuclear Fuels plc)	Persons and vehicles Persons, vehicles and vessels	Where there is public access Anywhere where the constabulary powers are exercisable
7. Sec. 7 Sporting events (Control of Alcohol etc.) Act, 1985.	Intoxicating liquor	Persons, coaches and trains	Designated sports groups or coaches and trains travelling to or from a designated sporting event
8. Sec 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
9. Section 139B Criminal Justice Act 1988	Offensive weapons, bladed or sharply pointed article	Persons	School Premises
Evidence of game and wildlife offences			
10. Sec 2. Poaching	Game or poaching	Persons and vehicles	A public place

Prevention Act 1862.	equipment		
11. Sec 12 Deer Act 1991.	Evidence of offences under the Act	Persons and vehicles	Anywhere except dwellings
12. Sec. 4 Conservation of Seals Act 1970.	Seals or hunting equipment	Vehicles only	Anywhere
13. Sec 11. Badgers Act 1992.	Evidence of offences under the Act	Persons and vehicles	Anywhere
14. Sec 19 Wildlife and Countryside Act 1981	Evidence of wildlife offences	Persons and vehicles	Anywhere except dwellings
Other (Powers that do not require reasonable grounds)			
15. Sec 43 of the Terrorism Act 2000.	Evidence of liability to arrest under section 14 of the Act	Persons	Anywhere
16. Section 44(1) of the Terrorism Act 2000	Articles which should be used for the purpose connected with the commission, preparation or instigation of acts of terrorism	Vehicles, drivers and passengers,	Anywhere within the area or locality authorised under subsection (1)
17. Section 44(2) of the Terrorism Act 2000	Articles which should be used for the purpose connected with the commission, preparation or instigation of acts of terrorism	Pedestrians	Anywhere within the area or locality authorised.
18. Paragraphs 7 and 8 of Schedule 7 of the Terrorism Act 2000	Anything relevant to determining if a person being examined falls	Persons, vehicles, vessels etc.	Ports and Airports.

	within paragraph 2(1)(a) to (c) or Schedule 5		
19. Section 60 Criminal Justice and Public Order Act 1994, as amended by Sec. 8 of 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 under subsection (1)

Notes of Guidance Relating to *Stop Check/* ***PACE Stop Search Policy***

1. Introduction

1.1 The purpose of this guidance is to enhance:

- officers' knowledge of the *Stop Check (Encounter) / PACE Stop Search* processes;
- operational effectiveness;
- recording practices;
- managerial effectiveness;
- monitoring and evaluating effectiveness;
- the trust and relationship between the police and the community;
- ensure that the focus is on 'quality' and not 'quantity'.

1.2 Officers' Knowledge - will be enhanced and supported by training (to be prepared and delivered by Development Services) aimed at:

- ensuring that officers fully understand the various processes involved, their importance, and the administrative requirements;
- ensuring that the processes are used lawfully, properly recorded and supervised
- situating Stops (Encounters) and Stop Searches in a wider race and community relation context;
- reducing disproportionality. (See also Equality of

Service). 1.3 Operational Effectiveness - will be further enhanced

through:

- promoting the strategic use of Stops (encounters) and Stop Searches;
- improving the 'yield' from Stops (Encounters) and Stop and Searches. (e.g. the proportion of searches resulting in arrests)
- emphasising the importance of crime and community intelligence;
- adopting, whenever possible, the principle of intelligence-led and targeted policing, through the problem solving approach;
- linking and briefing meetings using NIM for an intelligence-led approach to stop activity.

1.4 Recording Practices - will be enhanced through:

- introducing an A.271 **Stop Check** (Encounter) ! **PACE Stop Search** form (**Appendix F**);
 - ensuring that this will be the sole method of recording all stop checks and stop searches;
 - providing clear instructions and training.
- 1.5 Managerial Effectiveness - will be further enhanced by:
- improving officers' understanding and management of the tactic,
 - ensuring that the tactic is supervised and managed effectively at a variety of levels.
- 1.6 Monitoring and Evaluation Effectiveness - will be enhanced by ensuring that information recorded on forms include details of the **Stop Check & Stop Search** employed:
- the time, date and location of all **Stop Checks / Stop Search**;
 - the characteristics of the person checked or searched
 - the grounds for conducting a search and
 - whether the check or search resulted in an arrest and / or property being found / recovered.
- 1.7 Also, that the data content of forms be collated and regularly evaluated at divisional Tasking & Co-ordinating Meetings; by the Professional Standards Department, and the Equality of Service Delivery Management Group to:
- evaluate effectiveness or otherwise;
 - identify any patterns which might suggest discrimination or disproportionately;
 - identify if the overall patterns suggest any cause for concern, (and if so) to determine where it is occurring, and to formulate and implement possible remedies;
 - the quality of stops and not quantity is an appropriate performance measure;
 - monitor whether any remedial action has been effective;
 - compare our **Stop Check! PACE Stop Search** data against a sample from other areas / forces.
- 1.8 Divisional and / or force 'performance indicators' adopted in relation to the practice of **Stop Check! PACE Stop Searches** should focus mainly on:
- the percentage of statutory **Stop Searches** that result in an arrest or property being found;
 - the level of crime and community intelligence gathered;

- The quality of stops and not quantity is an appropriate performance measure.
- 1.9 The Trust and Relationship of the Community - will be further enhanced by ensuring that officers:
- understand the positive and negative impact that *Stop Checks and PACE Stop Searches* can have on local communities;
 - are aware of the public's perception of its use;
 - exercise the process properly;
 - the quality of the encounter depends not only on the results but also on the way that the person stopped perceives the encounter to have taken place.
- 1.10 These issues will also be addressed by:
- informing individuals and the community about why we conduct ***Stop Checks and PACE Stop Searches***;
 - sharing data with other agencies, multi-agency groups, and the wider community;
 - including a representative(s) of minority groups on Police Authority and the Equality of Service Delivery Management Group.

NB Arrangements for public scrutiny of records should take account of the right to confidentiality of those stopped and searched. Anonymised forms and/or statistics generated from records should be the focus of the examinations by members of the public (PACE Codes of Practice A, Notes for Guidance 19)

2. Understanding the Various Processes

- 2.1 The Nationally accepted phrase '***Stop Check***', particularly in the case of random checks, encompasses and incorporates a variety of processes and statutory powers.
- 2.2 The processes are usually progressive i.e. leading the officer from one function and power to another.

Encounters between police officers and the public range from general conversation to arrest

and detention. The continuum of activity is:

- (i) Conversational encounter;
- (ii) Stop and account;
- (iii) Stop and search;
- (iv) Arrest.

The patrolling officer may join the continuum at any stage or may progress from one to four. It is only at stages three and four where a power exists to detain a person. If the purpose of the encounter is fulfilled at any of the stages, it is inappropriate and unlawful to progress to a higher one. All encounters, except for one, require the officer to justify them taking place. Reasonable suspicion is required for three and four.

Drivers and Riders of Vehicles

- 2.3 Irrespective of whether the officer is in or not in possession of intelligence relating to the individual or their use of the vehicle the power to 'stop' the vehicle originates from Section 163 of the Road Traffic Act 1988, which is exercisable only by a constable in uniform. Failure to comply with the requirement to stop is an offence. This does not preclude a non-uniformed officer requesting any vehicle to stop. However necessity and proportionality issues must be considered prior to undertaking this. Health and Safety of the officer and other road users are of paramount importance.
- 2.4 Once the vehicle has come to 'rest', the officer can then exercise other powers, for example, Section 164 of the Road Traffic Act 1988 - requesting production of driving licence, etc.
- 2.5 A motorist must stop when required to do so by an officer in uniform. To fail to stop is an offence. Once the motorist has stopped, he must remain at rest while the officer carries out any permitted actions such as checking documents (Lodwick V Sanders [1985] 1ALL ER 577) or asking permitted questions, (Stewart V Crowe [1999] SCCR 327) but there is no offence for driving off after stopping.
- 2.6 Such failures may also lead the officer to suspect for example that:
- (i) the vehicle is being used without the authority of its owner e.g. T.W.O.C. or Theft of Vehicle, is in possession of drugs or stolen property.
 - (ii) the driver is not otherwise authorised to drive / ride the vehicle e.g. disqualified by virtue of age / court disqualification, or under the influence of drink/drugs.
 - (iii) the vehicle is being used without statutory required documents e.g. Driving Licence / Insurance / MOT Test Certificate
- 2.7 If the 'stopping' of any vehicle is solely or primarily confined to Road Traffic matters (i.e. a **Road Traffic Stop Check**) particularly where it led to:
- (i) the issue of a HO/RT/1 - (production of driving documents form)
 - (ii) the issue of a Vehicle Defect Rectification Form.
 - (iii) the issue of a Fixed Penalty Form.
 - (iv) the driver / passenger being reported for any Road Traffic offence, or
 - (v) the driver / passenger being arrested for any Road Traffic offence.
- the recording requirements of this policy in relation to the A.271 forms will not apply.
- 2.8 Officers conducting ' **Road Traffic Stop Checks** 'should whenever possible give consideration to the obtaining and gathering of crime and community intelligence.

- 2.9 Officers must be mindful that there is no power to stop or detain a person in order to find grounds for a search. Police officers have many encounters with members of the public, which do not involve detaining people against their will. If reasonable grounds for suspicion emerge during such an encounter, the officer may search the person, even though no grounds existed when the encounter began. If an officer is detaining someone for the purpose of a search, he or she should inform the person as soon as detention begins. (PACE Codes of Practice A, Paragraph 2.11).
- 2.10 The Police and Criminal Evidence Act 194, Codes of Practice A, Paragraph 1.5 clearly states, "An officer must not search a person, even with his consent, where no power to search is applicable. Even where a person is prepared to submit to a search voluntarily, the person must not be searched unless the necessary legal power exists, and the search must be in accordance with the relevant power and the provisions of this code. The only exception, where an officer does not require a specific power applies to searches of persons entering sports grounds or other premises carried out with their consent given as a condition of entry".
- 2.11 When an officer requests a person in a public place to account for themselves, i.e. their actions, behaviour, presence in an area or possession of anything, a record of the encounter will be completed at the time and a copy given to the person who has been questioned. The record must identify the name of the officer that has made the stop and conducted the encounter. This does not apply under the exceptional circumstances outlined in Paragraph 4.1 PACE Code A, which states 'an officer who has carried out a search in the exercise of any power to which this code applies must make a record at the time, unless there are exceptional circumstances which would make it wholly impractical (e.g. in situations involving public disorder or when the officer's presence is urgently required elsewhere). If a record is not made at the time, the officer must do so as soon as practical afterwards. There may be situations in which it's not practicable to obtain the information necessary to complete a record, but the officer should make every reasonable effort to do so.
- A record of an encounter must always be made when a person requests it, regardless of whether the officer considers that the criteria set above has been met. The Officer must inform the person of their entitlement to a copy of a record of the encounter.**
- 2.12 If as a result of the encounter or from what has been observed the officer has reasonable grounds to suspect that the person/driver/rider/ passenger has possession of any article, as described in association with any of the statutory powers described in Appendix A of the Policy and intends to exercise that power, the officer must take reasonable steps to give the person to be searched or in charge of the vehicle the following information:
- (a) That they are being detained for the purposes of a search;
 - (b) The officers' 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 (officers may have to justify a refusal to give the officers' name to a senior police officer or to a court) and the name of the police station to which the officer is attached;
 - (c) The legal search power which is being exercised; and
 - (d) A clear explanation of:

- (i) The purpose of the search in terms of the article or articles for which there is a power to search; and
- (ii) In the case of powers requiring reasonable suspicion, the grounds or cause for that suspicion;
- (iii) In the case of powers, which do not require reasonable suspicion, the nature of the power and any necessary authorisation and the fact that it has been given.

2.13 Before a search takes place the officer must inform the person (or the owner or person in charge of the vehicle that it is to be searched) of his / her entitlement to a copy of the written record of the search at the time unless there are exceptional circumstances which would make this wholly impractical e.g. situations involving public disorder or when the officer's presence is urgently required elsewhere).

2.14 If the record is not made at that time, the officer must do so as soon as practical afterwards. There may be situations in which it is not practical to obtain the information necessary to complete a record, but the officer should make every effort to do so. In the event of a written record not being supplied at the time, the officer will inform the person of their entitlement to a record of the search if an application is made within 12 months. If a record is not made or supplied at the time, the person should be told how a copy can be obtained.

2.15 If the person to be searched, or 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 and any relevant provisions of the PACE Codes of Practice to his or her attention. If the person is deaf or cannot understand English and is accompanied by someone, then the officer must try to establish whether that person can interpret or otherwise help the officer to give the required information. (PACE Codes of Practice A, Paragraph 3.11).

2.16 However, there is no prohibition within the Police and Criminal Evidence Act or other enactment that *'affects the ability of an officer to speak to or question a person in the ordinary course of his duty (and in the absence of reasonable suspicion) without detaining him or exercising any element of compulsion'*. This should not be confused with Paragraph 2.2(d) and Code A: Codes of Practice Paragraph 1.5.

2.17 In fact PACE Codes of Practice A, Notes for Guidance 1 states that *'It is not the purpose of the code to prohibit such encounters between the police and the community with the co-operation of the person concerned and neither does it affect the principle that all citizens have a civil duty to help police officers to prevent crime and discover offenders'*.

2.18 Issues as detailed in paragraphs 2.8 to 2.17 above will equally apply to pedestrians.

Section 1, Police and Criminal Evidence Act 1984 **Stop Searches**

2.19 Where a constable has reasonable grounds for suspecting that he/she will find stolen or prohibited articles, or a bladed or pointed article as defined by Section 139 of the Criminal Justice Act 1988, or items intended to cause Criminal Damage (As amended by the Criminal Justice Act 2003), Section 1 of the Police and Criminal Evidence Act 1984 creates the power to stop and search persons and vehicles.

NB In order to exercise the 'stop' power of this section, the constable must have the 'reasonable grounds for suspecting' before the person or vehicle is directed to do so. Searches requiring reasonable grounds for suspicion are fully covered under Paragraph 2.2 to 2.11 PACE Code A: Codes of Practice.

Summary of Paragraph 2

- 2.20 (a) If the 'stop' was solely or confined mainly to Road Traffic matters and resulted in any of the actions as described in 2.7 (i) – (v) above - no A.271 will be required.
- (b) If the 'stop':
- (i) did not result in any of the above mentioned actions,
 - (ii) involved an encounter with the individual on matters not concerned with Road Traffic legislation, or
 - (iii) involved a PACE Search,
- an A.271 **Stop Check/ PACE Stop Search** form will be required.

3. Effective Targeting of Stop Checks / PACE Stop Searches

- 3.1 It is crucial that we use, and are seen to use, **Stop Checks / PACE Stop Searches** in a targeted way. Not only will it increase our effectiveness in tackling crime it will minimise inconvenience to law-abiding members of the public.
- 3.2 Effective targeting will also provide officers with credible explanations for stopping and / or searching people - an essential aspect in achieving public satisfaction.

4. Making the best use of intelligence

- 4.1 **Stop Checks (Encounters) / PACE Stop Searches** should be based on observations of behaviour, actions of a person or good quality information and intelligence, which is up-to-date, detailed, accurate, and reflecting the needs of operational officers.
- 4.2 Research suggests that the effectiveness of searches is greatest when they are based on strong grounds for suspicion brought about by officers making the best use of good intelligence.
- 4.3 A good or successful **Stop Check/ PACE Stop Search** can usually be defined in terms of:
- (i) results / getting arrests or good crime / community intelligence. (See paragraph 5)
 - (ii) procedures – having good grounds and following guidance on conducting a search; and
 - (iii) well-mannered encounters – treating people fairly and with respect, providing explanations, but remaining in control,

- (iv) The quality of the stops and not the quantity is an appropriate performance measure.

and factors leading to effective **Stop Checks and PACE Stop Searches** are linked to officers:

- (i) having good communication skills;
- (ii) being flexible in their approach;
- (iii) developing good grounds;
- (iv) gaining experience and confidence; and
- (v) having good knowledge and making best use of local intelligence.

4.4 Any pre-planned stop check should take account of the above factors and be evidenced to ensure that no minority ethnic group or individual is unjustifiably selected or discriminated against by a failure of the Dyfed Powys Police to comply with the provision of the Race Relations (Amendment) Act 2000.

5. **Crime and Community Intelligence**

5.1 Officers need to recognise that 'community intelligence' is as valuable as 'crime intelligence' to effective policing and quality of service.

5.2 The opportunities for the flow of intelligence can be increased by improving the relationship between the police and the local community, and this in turn will lead to an increase in public confidence.

There are several ways in which the police can work together with the community to strengthen the relationship with them. These include:

- Community consultation;
- Education through schools and colleges;
- Multilingual leaflets;
- Community education.

5.3 'Crime and Community Intelligence' is defined in 'Winning the Race Revisited' as 'local information, direct or indirect, that when assessed provides intelligence on:

- (a) crime and non-crime incidents;
- (b) the quality of life experienced by individuals and groups;

That informs both the strategic and operational perspectives in the policing of local communities'.

5.4 The intelligence referred to above can include information relating to:

- where a crime / incident is likely to occur;

- when a crime / incident is likely to occur;
- an incident(s) that has occurred (not reported to the police);
- an individual(s) who is suspected to be involved in criminal activity or, for example, displays racist / homophobic tendencies;
- concerns expressed by members of the community;
- the build up of tension in a particular area or between certain individuals / groups.

5.5 Any 'intelligence' gained as a result of a Stop Check / P.A.C.E Stop Search (or through any other activity) should be submitted to divisional Field Intelligence Officers, on a 600B Intelligence Log and shared with divisional Community Safety Officers in order to continually feed the intelligence-led approach, and aid strategic and operational necessities.

6. Equality of Service

6.1 **When exercising any of their powers, officers must be committed to ensuring that no one is accorded less favourable treatment on the ground of sex, race, colour, ethnic or national origin, religious belief, politics, sexual orientation, age, social position or social disadvantage or place upon any person a requirement that cannot be shown to be justified.**

7. Recording Requirements

General

7.1 All Stop Checks / Stop Searches must be recorded on form A.271 (**Appendix F**) at the time of the stop check / stop search. No other form will be used. Officers must ensure that all necessary details are accurately recorded.

7.2 A revised A.271 form will consist of:

Top Copy (White) - Original Stop Check/PACE Stop Search document.

2nd Copy (Purple) - Carbon copy of original (customer copy).

3rd Copy (Green) – Carbon copy of original (officer's copy).

7.3 The form provides a facility to record:

- (a) the level of action exercised, i.e. Stop Check only, or a Statutory Search;
- (b) data relating to the:
 - (i) person and / or vehicle subject of the action;
 - (ii) time and date of the Stop Check / PACE Stop Search;
 - (iii) identity of the officers involved.

7.4 The form also provides the facility to record:

- (i) the Grounds / Location of the Stop Check or Search / the Offence (e.g. if Person arrested) and any additional relevant Comments;
 - (ii) whether the check / search resulted in – Injury / Damage being caused; Property being found; or the Person being arrested.
 - (iii) whether a copy of the A.271 form was provided to the individual, (Where a copy is not supplied, the reason **must** be endorsed on the form)
 - (iv) the signature of the Officer submitting.
 - (v) the signature of the supervisory officer monitoring the form.
- 7.5 If an arrest is made or property is discovered that fact will need to be recorded.
- (i) If an officer has conducted a person/vehicle Stop Check which has progressed to a 'search' of that person/driver/vehicle, there will be no requirement to submit two separate A.271 forms.
 - (ii) Where a vehicle and its rider/driver is searched simultaneously, the 'object' and 'grounds' for both searches can be listed on the same A.271.
- 7.6 If the search is conducted under any other legislative power such as Section 60 Criminal Justice and Public Order Act 1994 (as amended by Section 8 of the Knives Act 1997), or Sections 44 – 47 of the Terrorism Act 2000, the officer will need to identify this fact in the 'Comments' section of the form. (e.g. Sec. 60 POA or Sec 44 TA).
- 7.7 A copy of a record made at the time must be given immediately to the person who has been Stop Checked / Stop Searched. The officer must ask for the name, address and date of birth of the person searched, but there is no obligation on a person to provide these details and no power of detention if the person is unwilling to do so. (PACE Codes of Practice A Paragraph 4.2)
- 7.8 If a copy is not provided, the individual should be informed:
- (i) that they (or the owner of the vehicle) are entitled to a copy of the record if he / she asks for one within 12 months of the search being made.
 - (ii) advised as to which police station they should make such an application.
- 7.9 Officers will subsequently ensure that the top copy of the A.271 is submitted before the end of their tour of duty to a Supervisor for checking before submitting to the Divisional Intelligence Office for that BCU area.

Port Units

- 7.10 The requirements detailed above (in relation to PACE Stop Searches) will also apply to officers at the Port Units at Fishguard and Pembroke Dock.
- 7.11 Stop Searches conducted under Section 53 and Schedule 7 of the Terrorism Act 2000 fall within the general definition of 'Stop Searches' in relation to Home Office returns, the A.271 (**Appendix F**) should still be utilised to record these, but with the officer clearly identifying that the search was conducted under that enactment. (e.g. write 'Sec 53 TA' in the Powers section).

8. Recording of Ethnic Origins

- 8.1 This Stop Check/PACE Stop Search policy will adopt the Home Office ethnic classification system (See **Appendix D**), and accuracy of recording will be vital to effective divisional and force evaluations.
- 8.2 Officers should be aware that requesting individual to declare their ethnic origin can be intrusive and might be regarded as confrontational. Officers should be prepared to explain to members of the public, especially where concerns are raised, that this information is required to obtain a true picture of stop and search activity and to help monitoring, tackle discriminatory practice and promote effective use of powers. If the person gives what appears to the officer to be an "incorrect" answer (e.g. a person who appears to be white states they are black), the officer should record the response that has been given. Officers should also record their own perception of the ethnic background of every person stopped and this must be done by using the PNC/Phoenix classification system. If the "Not Stated" category is used the reason for this must be recorded on the form. (PACE Codes of Practice A, Notes for Guidance 18).

9. Community Impact Assessment

- 9.1 Community impact assessments need to be tailored for the purposes for which they are drawn up. In this case, the assessment is to assist the chief officer to decide whether or not to authorise the power to stop and search under section 44 Terrorism Act, section 60 Criminal Justice and Public Order Act or other times when its use might be sensitive. Use of the power has the potential to cause positive and negative impact on communities. Should the negative impact be assessed as profound, the chief officer could decide not to authorise, however, the police can take actions to minimise negative impacts and the assessment should include policing options. The chief officer is then in a position to assess the positive impact, the negative impact and the actions possible to limit negative impact. With this information in mind, a decision can be reached.
- 9.2 The assessment follows a simple structure:

Information and Intelligence

- 9.3 A brief outline should be set out of what is known by the person carrying out the assessment. Those who must decide whether to authorise the power need to know the basis on which the assessment has been carried out. There will often be good reasons for the impact assessor not to have all of the available intelligence, and the person who might authorise the power should know the gaps.

Brief Outline of Who Might Be Affected and How

- 9.4 The assessor considers the potential impact of use of the power on the range of groups who might be affected. It must be recognised that the impact will be positive for some people, as they may feel safer seeing police officers and staff engaged in protection duties. Others may feel uncomfortable with a high level of policing activity.

Legislation Assessment

- 9.5 Specific account is taken of the requirements of the Race Relations Act 1976 (as amended) and the Human Rights Act 1998.

Risk Assessment

9.6 Model

Using the overview built up in the previous sections of the document, specific risks are identified and scored. The PPPLEM model is one model for doing this:

- Physical risks;
- Political;
- Police and community;
- Legal;
- Economic;
- Moral.

9.7 This model encourages a broad range of thought to ensure that as many aspects of risk as possible are considered.

Identifying the Risks

9.8 Risk assessments should not identify more than ten specific risks and should be carried out at two levels. The initial assessment will inform the Community Impact Assessment at a strategic level, this being particularly relevant to authorisations for section 44. Further local assessments should then be carried out in relation to the tactical deployment of the power. Certain parts of a stop and search operation may have specific risks, e.g., deployment of firearms officers in support. A further fully detailed impact assessment should be carried out for that part of the operation.

Scoring the Risks

9.9 The risk assessment process should identify a limited number of more likely risks. It should also identify risks that would have critical impact.

9.10 Each risk should be assessed for the likelihood of its happening and the impact of it, should it happen. Each element is marked out of five and then multiplied together. Those with the highest rating, usually marked above eleven, have specific risk management options identified within the document. In addition, those that are marked critical (i.e., a rating of five on the impact scale) should also be subject to specific mention in the options part of the assessment.

Policing Options

9.11 Having identified risks and scored them, the community impact assessment should then identify policing options to address the risks.

9.12 The usual menu of options includes:

- Consult communities before authorising the power;
- Consult after authorising but before implementation;

- Consult during and after implementation;
- Communication strategy including local press, leaflets and posters;
- Briefing officers about explaining the use of the power;
- Measures to reduce embarrassment to those stopped and searched, e.g., by carrying out the activity in private if that is requested by the person being stopped and searched, and deploying women officers to assist with searching women;
- Engaging significant individuals from the community to oversee the policy and practice of the operation.

Conclusion

- 9.13 The document should conclude by stating whether, in the opinion of the assessor, the authorisation could be given without causing a profound community impact. The options to limit a harmful impact will, of course, be a vital part of the assessor's advice.
- 9.14 The Chief Officer is then in a position to decide whether the benefits of carrying out the operation outweigh the risk of harm. It is likely that only the chief officer will have all of the information about the threat intelligence and the potential impact on the local community to make this decision.
- 9.15 For a full description of how to complete these assessments, together with an example case study, [Section 31 \(1\) \(a\)\(b\)\(c\) Law Enforcement exemption applied](#).

10. Section 60 Criminal Justice and Public Order Act, 1994

Introduction to the Power

- 10.1 Section 60 Criminal Justice and Public Order Act (CJPOA) 1994 provides police officers with the power to stop and search individuals for offensive weapons or dangerous instruments, where an authorisation has been granted. Authorisation is necessary as it is an intrusive power that does not require any reasonable suspicion that an individual actually possesses such items. The decision to authorise use of section 60 must, therefore, be an informed and justifiable decision which should be intelligence led.
- 10.2 An authorisation can also be made under section 60AA CJPOA 1994 which provides officers with the power to require a person to remove any item which the officer reasonably believes is being worn wholly or mainly for the purposes of concealing their identity. Under the same power, an officer is also able to seize any item which they reasonably believe any person intends to wear for that purpose.

Authorisation Process

- 10.3 Section 60, CJPOA, 1994 can only be used after authorisation has been made in accordance with section 60(1) of the Act. This must be based on a reasonable belief that:

- Incidents involving serious violence may take place and it is expedient to use these powers to prevent their occurrence; or
 - Persons are carrying dangerous instruments or offensive weapons without good reason.
- 10.4 Section 60AA, CJPOA, 1994 can be authorised where there is a reasonable belief that:
- Activities may take place in the officer's police area that are likely to involve the commission of offences, and it is expedient to use these powers to prevent or control these activities;
 - Someone is wearing an item wholly or mainly for the purpose of concealing their identity.
- 10.5 An authorisation can be made for section 60 or section 60AA.
- 10.6 The grounds for authorising the use of section 60 should be based on the information or intelligence that is used to support the views that give rise to the reasonable belief. There should be a clear identifiable audit trail between the information and the authorisation.
- 10.7 In some circumstances the decision to authorise the use of section 60 may be based on intelligence that gives explicit information about incidents involving serious violence or, in the case of 60AA, involving the commission of offences. An example of specific intelligence in relation to section 60 could include the time, date and location of a planned fight between rival football supporters, the details of the supporters who will be participating and it is known that members of the group possess weapons. Similarly there would have to be information regarding the commissioning of offences for section 60AA.
- 10.8 Where specific intelligence does not exist, general intelligence could form the basis for the authorising officer's reasonable belief. General intelligence is frequently based on historic information and includes details of former violent incidents, profiles of previous suspects and details of possible events and venues which may be the scene or catalysts for incidents involving serious violence. This may include football matches, large demonstrations, music concerts and other types of events which typically include a large-scale gathering of people which, combined with other factors, indicate a likelihood of violence or the commission of offences.
- 10.9 The authorisation should be made by an officer of the rank of inspector or above. All authorisations must be made in writing and signed by the officer who has sanctioned the use of section 60. The authorisation must include the following information:
- The grounds on which it was given;
 - The exact location covered by the authorisation;
 - The time period over which the power can be exercised.
- 10.10 If an inspector gives an authorisation, he or she must inform a superintendent or higher rank as soon as practicable. This officer can then extend the authorisation for a further twenty-four hour period if the continued use of the powers is considered necessary.

- 10.11 The authorisation must not be for a longer period than appears reasonably necessary. In order that the powers are used proportionately, whenever possible, a specific time period should be determined. It is not appropriate to use blocks of twenty-four hours.
- 10.12 Section 60 is a unique power intended to prevent serious violence or the commission of offences and must only be applied where its use can be justified.
- 10.13 The justification can be evidenced in accordance with the Human Rights Act 1998 by using the aide-memoire: PLAN.
- Proportionate** – is the use of the power a proportionate response?
- Legal** – does the available information and intelligence establish appropriate grounds?
- Accountable** – are decision-making and other processes documented and auditable?
- Necessary** – is the use of the power necessary in the circumstances?
- 10.14 Consideration must be given to the effect an authorisation will have on community confidence (see 9 Community Impact and Consultation).
- 10.15 An authorisation form is attached at Appendix B(i). The form encourages accountability, justification and consideration of community impact in the authorisation process and will be completed by the authorizing officer in all such cases. The authorization formed will be forwarded, when completed, to the Divisional Intelligence Office relating to that BCU area for filing.

Briefing and Tasking

- 10.16 It is important that officers are properly briefed before being tasked to use the powers. They must be provided with information and intelligence that form the basis upon which the authorisation was made. All officers who will be working in the geographical area covered by the authorisation must be made aware of the section 60 authorisation and the area that is covered. Officers should be given a map or diagram which shows the exact area covered. The briefing must provide officers with the start and end times of the authorisation and any extensions to its duration. They must be reminded that although there is no need for reasonable suspicion to search someone, they must do it with tact and sensitivity.

Practical Application of the Powers

- 10.17 The power conveyed by section 60 of the CJPOA 1994 must be used in partnership with the Human Rights Act 1998. Any police activity which infringes the rights of an individual under the Act must be proportionate, legal and necessary. It must only be used to stop and search an individual in order to prevent or deter serious violence and the carrying of dangerous instruments or offensive weapons. It cannot be used to stop and search an individual for any other criminal offence, e.g., possession of drugs, which is covered by another search power.

10.18 Officers must also be aware that under a section 60AA authorisation, there is no power to stop and search individuals to search for items used to conceal identity. Officers may only seize such items which they see being worn or carried, and reasonably believe are intended to be used to conceal someone's identity. The section 60AA powers may also be used when a section 60 authorisation is in place.

10.19 An officer should base their decision to stop and search under section 60 on the information contained within the briefing they have received. The purpose of the search under the legislation is to search for dangerous instruments or offensive weapons. It should not be used instead of normal powers of stop and search in dealing with routine crime issues.

10.20 The following grounds are **not** acceptable.

- Generalisations and stereotyping factors alone (e.g., based only on someone's race or previous conviction).
- Personal prejudice.

11. Sections 43 And 44 Terrorism Act, 2000

Issues Relating to Terrorism

11.1 Reasonable suspicion is not required under section 44 of the Terrorism Act to carry out stop and search. This has the potential to increase tensions within communities. Ongoing community consultation is, therefore, essential to minimise those tensions and improve police and community relations.

11.2 There is a danger that the nature of section 44 powers to stop and search may remove a significant aspect of accountability, namely the requirement for an officer to record their justification for exercising the power. Forces must, therefore, ensure that the use of section 44 is proportionate to the risk, particularly in the light of the most recent information and intelligence and current threat level. Use of section 44 must also be justifiable and only authorised where there is sufficient information, intelligence and threat to support this measure.

11.3 Effective community consultation on the use of the power will help to maintain accountability and transparency. Keeping the community informed not only acts as reassurance but can also lead to a flow of community intelligence. Care should be taken when informing communities as to the location and extent of a section 44 authorisation, as public safety is paramount. It may be considered beneficial, however, to make use of posters and signs explaining that section 44 is in use, as a useful addition to a visible police presence. When producing such posters, the wording and language used must not increase public anxiety as their purpose is to alert not alarm. They should be understandable to all sections of the community using ethnic minority languages. Typefaces should be selected to help people with sight impairment or dyslexia.

11.4 Where operational reasons prevent consultation with the community prior to a section 44 authorisation, the consultation should take place as soon as possible. We should also inform the community of why the authorisation is in place.

- 11.5 In order to combat the threat of terrorism, the police must have good quality intelligence, and a valuable source of this will be local communities. It is essential that community members feel able to share information with the police and are seen and treated as equal partners in the fight against terrorism. Communities should be made to feel valued and respected.

Terrorism

- 11.6 The Act defines terrorism as being:

The use or threat of a specified action where the use or threat is designed to influence the government or to intimidate the public or a section of the public, and the use or threat is made for the purpose of advancing a political, religious or ideological cause. The action is a specified action if it involves serious violence against a person; involves serious damage to property; endangers a person's life, other than the person committing the action; creates a serious risk to the health or safety of the public or a section of the public; or is designed seriously to interfere with or disrupt an electronic system.

Searches Based on Reasonable Suspicion Under Section 43

- 11.7 An officer may stop and search someone under section 43 of this Act, providing they reasonably suspect that the person is a terrorist. The person may be searched to discover whether or not they have in their possession anything which may constitute evidence that they are a terrorist. A search under this section must be carried out by someone of the same sex. Officers should be given adequate training and briefing in the use of this power so that they can make appropriate use of it when they have not been specifically briefed and tasked in the use of section 44. Section 41 provides that 'a constable may arrest a person whom he reasonably suspects to be a terrorist.' For the full text see the Terrorism Act, 2000.

Note:

- Based on reasonable suspicion that the person is a terrorist, the purpose of the search is to discover evidence that the person is a terrorist;
 - No authorisation is required, and the power is always available where the threshold of reasonable suspicion is met.
- 11.8 Searches conducted using powers under PACE may be restricted to a part of the body or clothing, depending on what is suspected of being carried. Searches carried out under the Terrorism Act, 2000, however, are not restricted in this way. The unrestricted nature does not extend to an intimate search.
- 11.9 A full definition of reasonable suspicion can be found in paragraphs 2.2–2.11 of PACE Code A.

Searches Authorised Under Section 44

- 11.10 An authorisation may be given by an officer who is at least the rank of Assistant Chief Constable (ACC) (or equivalent). The authorisation will be for a specified area or place and must be considered to be expedient for the prevention of acts of terrorism. The period of authorisation will not exceed twenty-eight days and must be confirmed by the Secretary of State within forty-eight hours (section 46).

11.11 An authorisation under section 44 permits any constable in uniform in an area or at a place specified in the authorisation to stop and search a vehicle or pedestrian as follows:

- The vehicle;
- The driver of the vehicle;
- A passenger in the vehicle;
- Anything in or on the vehicle or carried by the driver or passenger;
- The pedestrian;
- Anything carried by him or her.

11.12 The area in which the authorisation is granted includes internal waters that are adjacent to it or such an area of those internal waters that are specified in the authorisation.

11.13 These powers also apply to Police Community Support Officers (PCSOs) where the powers have been conferred by a chief officer of their force.

11.14 Section 45 then gives the powers to conduct the search for the purpose of looking for articles of a kind which could be used in connection with terrorism whether or not the constable has any grounds for suspecting the presence of those articles.

11.15 A constable may detain a person or vehicle for such time as is reasonably required to permit the search to be carried out at or near the place where the person or vehicle is stopped.

11.16 A constable exercising the power conferred by an authorisation may not require a person to remove any clothing in public except for headgear, footwear, an outer coat, a jacket or gloves.

Note:

Officers should be aware of the cultural sensitivities surrounding the removal of headgear.

11.17 There is a power to seize and retain that which is discovered in the course of the search where the officer reasonably suspects that it is intended for use in connection with terrorism.

11.18 The power is only to stop and search. This means that there is no power to detain for the purpose of questioning or to ask questions to allay the need for search.

11.19 A record of the stop should be given as required by PACE Code A.

Offences

11.20 Where an officer exercises powers conferred by an authorisation under section 44, a person commits an offence under section 47 if he or she:

• Fails to stop a vehicle when required to do so by a constable;

Fails to stop when required to do so by a constable;

Wilfully obstructs a constable.

11.21 There is no power of arrest for failure to comply with the above powers, although statutory power of arrest under section 24 PACE may apply where the necessity criteria have been met. For the full text see the Terrorism Act, 2000.

Note:

The purpose of the search is to discover articles of a kind which could be used in connection with terrorism;

No grounds are required for suspecting the presence of such articles;

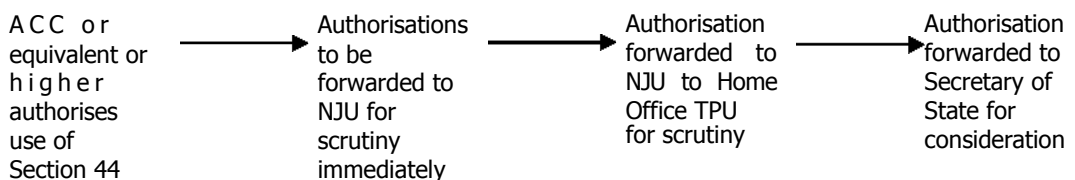
This Act allows an additional requirement to that within PACE to remove headgear and footwear;

There is no power to detain a person for the purpose of questioning them; the power is only to detain for the purpose of a search.

Authorization Process

11.22 An authorisation takes immediate effect, but must be confirmed by the Secretary of State within forty-eight hours. If the authorisation is not confirmed, the power will cease to have effect at the end of the forty-eight hour period or at a time specified by the Secretary of State. Even in cases of expired authorisations, a copy must be forwarded to the National Joint Unit (NJU) and subsequently the Terrorism and Protection Unit (TPU) at the Home Office.

11.23 The process for granting the authority to implement section 44 Terrorism Act, 2000 will be via the Force Special Branch Office who will be responsible for preparing the application and briefing for ACPO.



Home Office Circular (22/06, 2006) Authorisations of Stop and Search Powers under Section 44 of the Terrorism Act 2000, gives comprehensive guidance notes on the completion of the authorisation request form see <http://www.circulars.homeoffice.gov.uk>

11.24 The application must be made on the appropriate form (**Appendix E**) and provide comprehensive information about the threat. The Force Special Branch Office will oversee this process. It must also give the grounds for requesting the authorisation so that the minister can make an informed decision. Applications that are incomplete, incorrect or fail to make a satisfactory case will be rejected. Particular attention should be given to setting out:

The reasons why the use of section 44 has been authorised;

- Full descriptions and justification of the geographical area which is subject to the powers, including a map where possible;

- Full information regarding the operational use of the powers, including training, briefing and statistical returns.

11.25 The powers to stop and search under section 45 then follow from the authorisation. The correct authorisation process must be followed for these powers to be used. As reasonable suspicion is not required, the power may be seen by the public and the media as controversial or extreme. Its use must be managed in such a way as to ensure that the relationship with the community is not damaged. A consultation process must be used by forces to enable a united approach with the local community to tackle terrorism, see also Community Impact and Consultation (9.1, 9.2).

Establishing Appropriate Grounds

11.26 The only grounds on which an authorisation can be given are where the person giving it considers it expedient for the prevention of acts of terrorism. Prior to making an application for authorisation, forces must objectively examine the information and intelligence and the national threat assessment. Forces should review sites and locations in their policing area which could present a target to terrorists and consider this information along with national and local intelligence.

11.27 Section 44 is a unique power designed to combat a heightened threat and must only be applied where it can be justified. This justification can be evidenced by using the aide-memoire PLAN.

Proportionate – is the use of the power a proportionate response?

Legal – does the available information and intelligence establish appropriate legal grounds?

Accountable – are decision-making and other processes documented and auditable?

Necessary – is the use of the power necessary in the circumstances?

11.28 Other policing tactics, such as having a higher visible police presence at key locations, can deter terrorists and reassure the public, and may be more appropriate in some circumstances. The use of stop and search will always form part of a wider range of counter-terrorism tactics.

11.29 Senior officers must keep a full audit trail of the authorisation process, including the rationale behind their decision-making. It should be possible to show a direct link from the original intelligence, through the briefing and tasking to the use of the power, and the reasons officers give to individuals for stopping them.

11.30 Community consultation is essential when seeking to exercise these powers, excluding exceptional and urgent cases when consultation will have to occur as soon as possible after the authorisation has been granted.

Briefing and Tasking

11.31 The correct use of these powers is essential and officers should be adequately informed about current information and intelligence, how the powers should be used and who should use them. They should also be reminded that the other powers under PACE and other reasonable suspicion powers may be appropriate to use. These powers must also be used fairly and proportionately in order to ensure confidence in the use of counter-terrorism measures.

Briefing

- (a) Officers should be fully briefed and aware of the difference between section 43 and section 44, and the circumstances in which it is appropriate to use the power to stop and search. Officers should use the information provided in the briefing to influence their decision to stop and search an individual. A

Thorough understanding of all the issues involved will help officers to use the powers in a proportionate and effective manner.

- (b) Where an authorisation under section 44 is in place, all officers should be aware of its existence and the geographical area it covers, but the power should only be used by those that have been specifically briefed to do so.
- (c) Briefing officers should clearly identify the purpose of the particular section 44 operation within the briefing. The briefing should make officers aware of all relevant current information and intelligence. With the high level of media coverage given to terrorist threats, officers should be warned against basing their operational decisions on information taken from media broadcasts.
- (d) The content of the briefing should include the current threat assessment, information, intelligence and relevant locations, especially if the authorisation relates to a wide designated area. If there are a number of potentially vulnerable sites within an authorisation area, it may be of benefit to identify locations requiring particular attention based on a vulnerability assessment of each location.
- (e) As part of a structured anti-terrorist strategy, section 44 powers help to deter terrorist activity by creating a hostile environment for would-be terrorists to operate in. Briefing and tasking in respect of selecting persons to be stopped and searched under section 44 will depend on the nature of the intelligence or information available. For example:

- (i) Where intelligence or information is less specific and more general.

Officers may be tasked to conduct stop and search activity on a more random basis, with a wide range of people being stopped. This may, for example, be appropriate for target hardening purposes around key sites and locations.

- (ii) Where there is more specific information or intelligence to describe the person or persons that may be involved in terrorism.

It may be appropriate for officers to be tasked to conduct stop and search activity in a more targeted way where intelligence or information suggests that terrorist activity is likely to be carried out by a particular group, and that members of that group are likely to fit a certain description. This does not mean that the information or intelligence is sufficient to identify specific individuals.

- (f) A description may include ethnicity but only as one of a number of factors. For example, there may be information about non-personal factors such as behaviour, clothing, time of day, location, and items carried which should also be taken into account when deciding on a person to stop and search. It should be stressed that personal factors such as race or age cannot be used alone, or in combination, as the reason for stopping someone. This is in line with PACE Code A.
- (g) Individuals and groups should not be stereotyped as likely to be involved in terrorism because of their ethnicity or faith. Officers who exercise this power should be reminded regularly about the dangers of stereotyping.
- (h) Officers must be mindful that terrorists may change their behaviour and appearance to match that of local communities to avoid arousing suspicions and enable them to operate more easily. Where descriptions are available, these may be subject to change and can become outdated quickly.
- (i) Where the powers are used in a more targeted way, consideration must be given to the potential community impact. It will also be important to consult and inform relevant communities in circumstances where this is considered appropriate.
- (j) In instances where information or intelligence might indicate more targeted stop and search activity, it is still important to consider conducting additional activity that is more random, such as target-hardening operations around key sites or locations in an authorised area, particularly where information or intelligence may be incomplete.
- (k) Even where officers are drafted in at short notice, they should be briefed prior to deployment.
- (l) Officers should be directed in briefings to use their powers in consideration of the following points, which are relevant to both powers.
- Authorisation – is an authorisation under section 44 in place, and what are its geographical limits?
 - Person – does the person they propose to stop and search fit any description provided by information or intelligence?
 - Location – is the place where they propose to use the power attractive to terrorists in accordance with the briefings they have received, e.g., critical transport routes?
 - Time – is it a significant period of the day, e.g., is the location particularly crowded?
 - Behaviour – is the person acting in a way which gives rise to concern?
 - Clothing – could the clothing conceal a weapon or other terrorist paraphernalia?
 - Carried items – could an item being carried conceal a weapon or any terrorist paraphernalia? This can include maps, plans, photographs and financial information.

Note:

Terrorists come from all ethnic groups and all walks of life. Actions define a terrorist not ethnicity, race or religion.

- (m) The briefing should include a reminder that while officers are at the front line of the defence against those seeking to commit atrocities against the public, they must use the powers with respect for the individual. It is important not to alienate people the police are trying to protect. The powers are of concern to some groups and sections of society whose support, where possible, should be gained in the fight against terrorism. Officers should be clear on how to use the powers during an operation, how this relates to the intelligence and how the operation supports a counter-terrorism strategy. This will assist officers in providing consistent and accurate information to members of the public about how and why the powers are being used. Officers should be provided with a form of words that they can use when explaining the use of these powers.

Tasking

- (a) Officers using powers under a section 44 authorisation must be briefed in its use before being tasked to use it. There may be exceptional circumstances, however, where it is impractical to do this and steps must be taken to rectify this as soon as possible.
- (b) Decisions about operational activity must reflect current information and intelligence, and there will be a range of activities to be undertaken depending on the nature of that information and intelligence. It is essential that officers understand the purpose of their patrol activities and how they will use their powers in relation to the section 44 authorisation.
- (c) **Section 31 (1) (a)(b)(c) Law Enforcement exemption applied.**
- (d) Special care is needed when policing public order events at locations that may have a counter terrorist dimension. The use of stop and search may be appropriate to minimise the terrorist threat. It must be absolutely clear, however, to all those employed on these types of duties that stop and search powers cannot form part of the tactics to control demonstrators. Only public order powers can be used for this purpose.
- (e) It is not appropriate under any circumstances to use the powers under the Act to stop and search persons for matters that do not relate to terrorism. Officers should be aware of, and prepared to use, other powers where necessary.

- (f) Officers must remember that not all stop and searches under section 44 will yield terrorist paraphernalia. The number of arrests arising from the use of section 44 powers must not, therefore, be seen as the measure of its success.

12. Schedule 7, Terrorism Act, 2000 (Port And Border Controls)

12.1 Schedule 7 of the Terrorism Act 2000 (as amended by the Anti-Terrorism Crime and Security Act 2001), sets out the basis for conducting port and border controls and defines an examining officer as a police, immigration or designated customs officer. It enables an examining officer to examine and/or detain a person who is 'at a port or in the border area, and [where] the examining officer believes that the person's presence at the port or in the area is connected with his entering or leaving Great Britain or Northern Ireland or their travelling by air within Great Britain (GB) or within Northern Ireland (NI), to determine whether they are or have been, concerned in the commission, preparation or instigation of acts of terrorism.

Search Powers Under Schedule 7

12.2 The Schedule authorises examining officers to:

- Stop a person or vehicle;
- Search an aircraft or ship and search anything on a ship or aircraft;
- Search a person and search anything which they have with them, or which belongs to them, and which is on a ship or an aircraft;
- Search a vehicle and search anything in or on a vehicle;
- Search anything that has been/is about to be carried on a vehicle, ship or aircraft;
- Detain a person if the examining officer suspects that the person is or has been concerned in the commission, preparation or instigation of an act of terrorism;
- Examine any goods, which have arrived in or are about to leave GB or NI on a vehicle or craft to see if they have been used in the commission, preparation or instigation of acts of terrorism.

12.3 When searching a person, this must be carried out by a person of the same sex.

12.4 The examining officer does not require reasonable grounds for suspicion in order to exercise these powers.

12.5 An examining officer at a port also has the power to board a ship or aircraft, or to enter a vehicle to determine whether to exercise the power to search goods.

12.6 The powers provided under Schedule 7 should also be carried out in accordance with the *Home Office (2001) Code of Practice for examining officers under the Terrorism Act, 2000*.

Powers of Detention

12.7 An examining officer may detain a person for the purposes of determining whether they have been involved in the commission, preparation or instigation of acts of terrorism. They can be detained for a maximum period of nine hours.

12.8 Examining officers are also able to retain property which:

- Is any document the person has with them and is of a kind specified by the officer;
- Has been searched or found on a search;
- Has been examined for the purpose of determining whether it has been used in the commission, preparation or instigation of acts of terrorism.

Practical Application of Schedule 7

12.9 As the power to stop and search under Schedule 7 does not require reasonable suspicion, it is essential that the power is used in a proportionate and justified manner. Officers must take care to stop people only in appropriate circumstances. The power must not be used to stop and question people for any other purpose than those under the Terrorism Act, 2000.

12.10 All persons stopped and questioned by examining officers must be treated in a respectful and courteous manner, particularly as many people will be innocent of any unlawful activity. When exercising the power, officers should minimise the embarrassment or offence that a stop could cause to travellers. Where possible, any intrusive questioning should take place out of public view.

12.11 Although officers make judgements to stop people based on their demeanour, inappropriate dress or items carried, the powers must not be exercised in a way which unfairly discriminates against anyone on the grounds of race, colour, religion, creed, gender or sexual orientation. Ethnic origin may be taken into account in deciding whether to stop someone, but it can only be considered in conjunction with other factors, such as:

- Known and suspected sources of terrorism;
- Any information on the origins and/or possible location of terrorist groups;
- The possible nature of any current or future terrorist activity;
- The means of travel and documentation that a group of individuals could use;
- Local circumstances, such as movements, trends at individual ports or parts of the border area.

12.12 When making a stop under Schedule 7, the examining officer must:

- Identify themselves by means of a warrant card, collar number or PIN number but need not give his / her name;
- Explain why the person has been stopped;
- Remain polite and treat the person stopped with respect and dignity.

12.13 If necessary, the officer may reassure the individual that the stop is part of routine counter terrorist policing.

12.14 The examining officer may ask a person they stop and question to:

- Give any information in his or her possession which the officer requests;
- Provide the examining officer with either a valid passport which includes a photograph or another document which satisfactorily establishes his or her identity;
- Declare and provide any documents in their possession, as specified by the officer.

12.15 If they deliberately fail to comply with any of these duties, they could be prosecuted under paragraph 18 (1) of Schedule 7 of the Terrorism Act, 2000.

12.16 The person stopped must comply with these requests. They commit a summary offence if they wilfully fail to comply with a duty imposed under Schedule 7, or wilfully obstruct or seek to frustrate a search or examination under the schedule. Officers must give the person concerned a reasonable opportunity to produce the documents and should be aware that passengers travelling to NI or within the Common Travel Area may not be carrying a passport.

12.17 Where an examining officer has decided to detain a person, the officer must inform the person that they are not under arrest or caution but that they are being detained under the provisions of Schedule 7. The officer must explain that the purpose of the questioning is to enable the officer to determine whether the detained person appears to be a person of interest under section 41 Terrorism Act 2000 and that the detention does not mean that the officer suspects the detainee of being involved in terrorist activity.

Recording of Examinations

12.18 The Schedule 7 Code of Practice requires that if an examination lasts in excess of one hour, the officer must serve an explanatory notice of examination on the person.

12.19 The examining officer should record in a centrally held record at the port, or at a specified police station, all examinations which last for more than an hour. The record should include the name of the person examined, the total duration of examination from the start until completion, whether the person was detained, and if so, when detention began. The examining officer should also keep a record at the port or in the border area at a police station, of all examinations under an hour (see note).

Note: Record of examinations that last over an hour should be kept centrally for statistical purposes. Records of examinations that last under an hour, however, should also be kept at a port or at a police station in a border area for reference purposes in the event of a complaint or query. In practice at our ports the examining officer is required to fill out a landing / embarkation card, which is then the original record of that person having been examined.

13. Collation of Data Requirements

Divisional Intelligence Office

13.1 The A.271 (**Appendix F**) form will be forwarded from divisions to the Divisional Intelligence Office who will enter all A271 forms on the computer database and will enter an unique divisional reference number on the form. The A271 will then be filed at the Divisional Intelligence Office.

Corporate Services

13.2 Appointed staff within Corporate Services will examine the data from the A.271 **(Appendix F)** Stop/Stop Search database and produce Home Office and divisional updates as follows:

- | | |
|-------------------|--|
| Stop Checks | (i) the total number of Stop Checks; |
| | (ii) the ethnic distribution of the persons involved; |
| | (iii) the proportionality of individuals checked per 1000 divisional population. |
| | (iv) the number and percentage of checks resulting in an arrest. |
| | (v) the proportionality of individuals arrested per 1000 divisional population. |
| P.A.C.E Searches* | (i) the total number of statutory searches |
| | (ii) the object of the searches; |
| | (iii) the ethnic distribution of person/driver/rider involved. |
| | (iv) the proportionality of the individuals searched per 1000 divisional population. |
| | (v) the number and percentage of searches resulting in an arrest. |
| | (vi) the proportionality of individuals arrested per 1000 divisional population. |

excluding searches under Section 60 of the Criminal Justice & Public Order Act, 1994 (as amended by Section 8 of the Knives Act, 1997) and Sections 44 to 47 Terrorism Act, 2000.

13.3 Searches conducted under either:

- (i) Section 60 of the Criminal Justice & Public Order Act 1994 (as amended by Section 8 of the Knives Act 1997) or
- (ii) Section 44 – 47 of the Terrorism Act 2000,

will need to be counted separately by delegated staff within Divisional Intelligence Units and forwarded to Corporate Services Department at Police Headquarters at the end of each quarter using Crimsec 41 template.

14. Counting Requirements

14.1 When collating statistics, staff should be mindful of the following :

- (i) If a Stop Check progresses to a search, only the 'search' data will be counted

- (ii) Where a vehicle and its rider / driver is searched simultaneously, and the details are recorded on one A.271 (**Appendix F**) - count as 1 (one) search.
- (iii) Any passengers in/on the vehicle who are searched must be counted separately.

11. Supervision and Responsibilities

Police Authorities

11.1 Police Forces are accountable to their local Police Authorities and through them to local communities. To assist in increasing trust and confidence in policing including amongst minority ethnic communities, the Dyfed Powys Police Authority will take a close interest in the use of Stop Check/Stop Search and its impact upon the community. For this reason the force will monitor and analyse records of stop and search. This information will be published and discussed through appropriate consultation mechanisms. Monitoring and management information will be provided to the Police Authority on a regular basis. Communities will be informed of their rights in relation to the use of the Stop Check/Stop Search tactic.

11.2 The Chief Officer is liable for unlawful use of stop and search and will appoint an ACPO ranking officer to assume lead responsibility for the tactic ensuring that:

- The force meets its statutory requirements
- Training provision meets the needs of staff
- Management Information systems identify significant trends
- Stop Check / Stop Search is quality assured, audited, and part of the inspection and public consultation processes.

Divisional Commanders

11.3 Divisional Commanders must be able to demonstrate that officers have exercised their powers in relation to Stop Checks and PACE Stop Searches in a non-discriminatory way and therefore should appoint a member of their Senior Management Team to be responsible for its management at a strategic and tactical level.

Appointed Divisional Manager

11.4 Appointed Divisional Managers will be expected to ensure that:

- (a) training is delivered to all officers to enable a clear understanding and knowledge of their powers and responsibilities as set out within the PACE Act and this guidance; (including exercising powers that do not require reasonable grounds but do require authorisation e.g. Sec 60 Criminal Justice and Public Order Act 1994, Searches under paragraph 44, Terrorism Act, 2000).
- (b) systems are in place, which meets the needs of operational officers and which provides them with the best intelligence available to inform individual decisions on whether to stop and search. NB Officers deployed from outside the Division must be briefed prior to deployment to ensure that they understand:
 - (i) relevant community issues;

- (ii) the policing standards set by the Divisional Commander;
- (iii) the exact nature of their tasking.
- (c) the 'Stop Check' database is properly managed;
- (d) systems are set up to capture comprehensive management information which:
 - (i) will identify any abnormal patterns or disproportionality; and
 - (ii) capture the positive outcomes.

(It is important to proclaim success internally and externally and to give due praise for professional performance)
- (e) they provide positive support to:
 - (i) officers who have acted lawfully and proportionately but are subject of a complaint;
 - (ii) line supervisors who challenge inappropriate behaviour.
- (f) dip-sample forms to ensure that they have been properly completed in accordance with PACE and this guidance. (See Checklist at Appendix C)

11.5 Appointed Divisional Managers will also be expected to understand the general and local issues around **Stop Checks and PACE Stop Searches** so that they can promote its appropriate use:

- (a) internally - so that officers understand the value of the tactic and are able to communicate this to the communities they serve;
- (b) externally – there are three main benefits of community consultation:
 - Increasing confidence in the police through a greater understanding of why the power is needed and the reasons for its use;
 - Reassuring the public;
 - Increasing the flow of information and intelligence from the community to the police.
- (c) Although it is not possible to consult with community members on an individual basis, the police should consult the representatives of relevant community groups who have some influence among them. Consultation can be carried out in a number of ways including the use of existing community consultation groups, which forces use to discuss policing issues. Forces should be prepared to use various consultative mechanisms. Care should be taken to identify all sections of the community, including those with whom communication is difficult or non-existent, to avoid the danger of failing to consult those who are more directly affected by stop and search. Full use of the media should be made whenever possible to inform and reassure the community, but use of the media must not be seen to absolve the force from consulting the community. Forces may also wish to consider working with groups such as:

- Crime and Disorder Reduction Partnerships (CDRPs);
 - Local Criminal Justice Boards (LCJBs);
 - Local Strategic Partnerships (LSPs).
- (d) The purpose of partnership working in these circumstances is to present a united approach to the community. There must also be a balance between the need to consult and operational integrity.
- (e) Young people should be included in the consultation process, as they are often omitted from dialogue between the police and the community and their opinions and concerns are not heard.

11.6 Divisional Tasking and Co-ordinating meetings are updated and advised in relation to any relevant issues appertaining to Stop Checks/PACE Stop Searches within their division.

First Line Supervisors

11.7 Being that Stop Checks and PACE Stop Searches are intrusive, effective supervision is a fundamental necessity to ensure the power is used lawfully and fairly.

11.8 Supervisors will be expected to ensure that they:

- (a) equip officers with the best, focussed and objective intelligence available;
- (b) actively supervise, lead, support and encourage their officers;
- (c) set and expect the highest standards of behaviour;
- (d) Sergeants and Inspectors must monitor the delivery of the tactic and will be required to scrutinize (not simply sign off) search forms to ensure that the searches are legal and not based upon stereotypes or generalisations. They will conduct quality assurance monitoring, (See checklist at Appendix C), which may include speaking to the officer concerned, in order to ensure that the -

officers have a clear understanding of the importance of this beyond the legal requirement;

grounds for searching were appropriate and thereafter, and where appropriate, to:

- provide feedback to officers on their interactions;
- identify, praise and promote good practice;
- challenge and remedy poor quality work or unfair practices.

forms have been properly completed in accordance with PACE and this guidance.

Remember

- All Stop Checks and Stop Searches must be properly recorded at the time of the encounter.

- The integrity of both the officers and the process is paramount.
- Any issues identified relating to recording requirements, disproportionality, or abuse of authority will need to be addressed immediately.
- The message to officers must be clear – QUALITY NOT QUANTITY.
- Lead by example.

Officers Conducting Stop Checks/PACE Stop Searches

11.9 The most important decisions that directly impact on the community are made by operational police officers. In respect of Stop Checks / PACE Stop Searches it is essential that officers:

- (a) know their powers and responsibility. (They must be aware that they are liable, not only for their own actions, but also for the actions of colleagues and have an individual responsibility to challenge inappropriate behaviour).
- (b) understand that each Stop Check/PACE Stop Search must be lawful, justifiable and non-discriminatory.
- (c) respect the dignity of the people they stop and explain the reason for doing so;
- (d) remember that not everyone who is stopped has to be searched;
- (e) record ALL Stop Checks/PACE Stop Searches,
- (f) understand that, following a Stop Check/PACE Stop Search, no pressure can be applied to induce a subject to remain in order to supply personal details;
- (g) remember that a both positive and negative searches can yield valuable intelligence – which must be captured and recorded.
- (h) ensure that at the time of the search a written record is made and a copy given to the person searched, unless there are exceptional circumstances that makes it impracticable to make a record at the time.
- (i) A record of a STOP Check/encounter must always be made when a person requests it regardless of whether the officer considers that the exceptional circumstances apply.
- (j) make every effort to leave a positive image by acting with politeness, and use of appropriate language.
- (k) recognise that generally any member of the public should be allowed to observe a stop search procedure unless the person being searched objects.
- (l) always consider the safety of themselves and others.

Divisional (and Port Office) Field Intelligence Officers

11.10 Divisional (and Port Office) Field Intelligence Officers must ensure that:

- (i) details of Stop Checks / Stop Searches are filed at BCU once the unique reference number is allocated.
- (ii) processes are put in place which prevents backlogs;
- (iii) unsatisfactory practices / trends are identified, brought to the attention of the Appointed Divisional Manager, and remedied;
- (iv) data is supplied to :
 - Divisional Tasking and Co-ordinating Meetings, and
 - Corporate Services

Divisional Tasking and Co-ordinating Meetings

11.11 Divisional Tasking and Co-ordinating Meetings will have *Stop Checks/Stop Searches* as a standing agenda item and will:

- (a) ensure effective analysis of the data collected;
- (b) monitor the data to:
 - ensure that we demonstrate that police officers use their powers positively, legitimately and ethically for the benefit of the whole community in reducing crime and improving community safety;
 - check that it does not show any patterns which might suggest discrimination or disproportionality;
 - identify if overall patterns suggest any cause for concern, and if so, where they are occurring, and to explore them further;
 - further explore if any remedial action has been effective in subsequent data.
- (c) routinely consider the implications of the policy, procedures and practice on the local community, including the planning and implementation of specific operations, which may include the ***Stop Check/PACE Stop Search*** tactic.
- (d) develop effective strategies for disseminating data thus ensuring that the force gains maximum value from the process;
- (e) share the information with others in a way, which will generate trust and increased confidence.

The Equality of Service Delivery Management Group

- 11.12 Periodic force statistics, produced by the Corporate Services Department, will be circulated to divisions for local analysis.
- 11.13 The data will also be monitored and evaluated by the Professional Standards Department with findings presented to the Equality of Service Delivery Management Group who will also give consideration to issues as detailed in 11.9 above.

11.14 Issues identified by the Equality of Service Delivery Management Group will be brought to the attention of Divisions and / or the force Management Board as appropriate.



Appendix B(i)
DYFED-POWYS POLICE
Authority to Exercise the Powers under
Section 60 Criminal Justice and Public Order Act 1994

In accordance with Section 60 of the Criminal Justice and Public Order Act 1994, I hereby authorise constables in uniform to exercise the powers conferred under that section to prevent serious violence, or because dangerous instruments or offensive weapons are being carried, as follows:

A - Grant of Authority under s60

1. Period of Authorisation

The powers may be exercised for the following period (*not exceeding 24 hours*);

From (time) (24hr clock) on (day) of (month) (year)

To (time) (24hr clock) on (day) of (month) (year)

2. Location/Geographical area

The powers may be exercised within the following locality (*describe boundary, e.g. by naming roads, streets etc.*)

.....

A copy of street map or sketch plan **must** be attached

(a*) I reasonably believe that that incidents of serious violence may take place in the locality listed above [describe the locality in which the geographical area mentioned in section 2 lies]

.....
] **AND** that it is expedient to give an authorisation to prevent their occurrence

AND/OR

(b*) I reasonably believe that persons are carrying dangerous instruments or offensive weapons without good reason in the locality listed above [describe the locality in which the geographical area mentioned in section 2 lies]

.....]

*delete as applicable

4. Details of authorising officer

I therefore authorise any constable in uniform within that locality to exercise the powers under section 60 of the Criminal Justice and Public Order Act 1994;

Name Rank* Stn/Branch.....

Signature Time..... (24hr clock) on (date)...../ /

***Where authorising officer is below the rank of Superintendent:** I have informed the following senior officer of this authorisation decision:

(Name)..... Rank (must be Superintendent or above)

Stn/Branch..... informed at (time) (24hr clock) on (date) / / by

(method)

B - Community Impact/Consultation

Has a Community Impact Assessment (CIA) been made prior to the authorisation? YES/NO*

If **NO**, please give reasons
 why

Has there been community consultation prior to the authorisation? YES/NO*

If NO, please give reasons
 why

In respect of the Human Rights Act 1988, explain why and how the authorisation is proportionate, legal, accountable and necessary

.....

.....

..... (*delete as applicable)

C – Briefing and tasking of Officers

Officers informed of the authority being given, including the period and locality as specified in 1 & 2 of Part A; Time (24hr clock) on (date) / /

by

(method e.g.officer briefing, message ref(s) etc.) Copy of original authority by fax/despach/e-mail to BCU's included in locality YES/NO* (*delete as applicable)

D - Extension of the period of authorisation

Because it appears to me to be expedient to do so, having regard to offences which have, or which I reasonably suspect to have, been committed in connection with any activity falling within the authorisation in Part A above; **in accordance with section 60(3) of the Criminal Justice and Public Order Act 1994,I direct that the authorisation given in Part A above shall continue in being for a further 24 hours;**

NameRank* Stn/Branch.....

Signature Time (24hr clock) Date / /

(*Extension can only be authorised by the rank of Superintendent or above)

The reason for this extension is: *(authorising officer to give a brief explanation of rationale for the decision)*

.....

.....

Officers informed of direction to extend the authority and the period specified above;

Time..... (24hr clock) on (date)// by

.....(method e.g.officer briefing, message ref(s) etc.) Copy of original authority by fax/despach/e-mail to BCU's included in locality for attention of Intelligence Officer (*delete as applicable)

E – Action taken upon expiry of Authority

<p>Officers reminded of date/time specified in Part A or B that the authority/extension expires;</p> <p>Time..... (24hr clock) on (date)..... / / by.....</p> <p>..... (method e.g.officer briefing, message ref(s) etc.)</p> <p>Copy of original authorisation filed [with Operation Order No. /.....]</p> <p>Name..... Rank..... Time..... on (date) /...../</p> <p>Details of post authority community consultation/debrief</p> <p>.....</p> <p>.....</p> <p>.....</p>
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Section 60AA Criminal Justice and Public Order Act 1994 (as amended)

<p>(1) Where—</p> <p>(a) an authorisation under section 60 is for the time being in force in relation to any locality for any period, or</p> <p>(b) an authorisation under subsection (3) that the powers conferred by subsection (2) shall be exercisable at any place in a locality is in force for any period, those powers shall be exercisable at any place in that locality at any time in that period.</p> <p>(2) This subsection confers power on any constable in uniform—</p> <p>(a) to require any person to remove any item which the constable reasonably believes that person is wearing wholly or mainly for the purpose of concealing his identity;</p> <p>(b) to seize any item which the constable reasonably believes any person intends to wear wholly or mainly for that purpose.</p> <p>(3) If a police officer of or above the rank of inspector reasonably believes—</p> <p>(a) that activities may take place in any locality in his police area that are likely (if they take place) to involve the commission of offences, and</p> <p>(b) that it is expedient, in order to prevent or control the activities, to give an authorisation under this subsection, he may give an authorisation that the powers conferred by this section shall be exercisable at any place within that locality for a specified period not exceeding twenty-four hours.</p> <p>(4) If it appears to an officer of or above the rank of superintendent that it is expedient to do so, having regard to offences which—</p> <p>(a) have been committed in connection with the activities in respect of which the authorisation was given, or</p> <p>(b) are reasonably suspected to have been so committed, he may direct that the authorisation shall continue in force for a further twenty-four hours.</p> <p>(5) If an inspector gives an authorisation under subsection (3), he must, as soon as it is practicable to do so, cause an officer of or above the rank of superintendent to be informed.</p> <p>(6) Any authorisation under this section—</p> <p>(a) shall be in writing and signed by the officer giving it; and</p> <p>(b) shall specify—</p> <p>(i) the grounds on which it is given;</p> <p>(ii) the locality in which the powers conferred by this section are exercisable;</p> <p>(iii) the period during which those powers are exercisable;</p> <p>and a direction under subsection (4) shall also be given in writing or, where that is not practicable, recorded in writing as soon as it is practicable to do so.</p> <p>(7) A person who fails to remove an item worn by him when required to do so by a constable in the exercise of his power under this section shall be liable, on summary conviction, to imprisonment for a term not exceeding one month or to a fine not exceeding level 3 on the standard scale or both.</p>	<p>(8) The preceding provisions of this section, so far as they relate to an authorisation by a member of the British Transport Police Force (including one who for the time being has the same powers and privileges as a member of a police force for a police area), shall have effect as if references to a locality or to a locality in his police area were references to any locality in or in the vicinity of any policed premises, or to the whole or any part of any such premises.</p> <p>(9) In this section 'British Transport Police Force' and 'policed premises' each has the same meaning as in section 60.</p> <p>(10)The powers conferred by this section are in addition to, and not in derogation of, any power otherwise conferred.</p> <p>(11)This section does not extend to Scotland.</p> <p style="text-align: center;">Code A: Extracts Notes for Guidance 10 & 11-Authorising officers</p> <p><i>10 The powers under section 60 are separate from and additional to the normal stop and search power which require reasonable grounds to suspect an individual of carrying an offensive weapon (or other article). Their overall purpose is to prevent serious violence and the widespread carrying of weapons, which might lead to persons being seriously injured by disarming potential offenders in circumstances where other powers would not be sufficient. They should not therefore be used to replace or circumvent the normal powers for dealing with routine crime problems. The purpose of the powers under section 60AA is to prevent those involved in intimidatory or violent protests using face coverings to disguise identity.</i></p> <p><i>11 Authorisations under section 60 require a reasonable belief on the part of the authorising officer. This must have an objective basis, for example: intelligence or relevant information such as a history of antagonism and violence between particular groups; previous incidents of violence at, or connected with, particular events or locations; a significant increase in knife-point robberies in a limited area; reports that individuals are regularly carrying weapons in a particular locality; or in the case of section 60AA previous incidents of crimes being committed while wearing face coverings to conceal identity</i></p>
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A.271 Stop Check / Stop Search - Supervisor's Checklist

Officer: _____

Form Ref. No: _____

The following criteria and questions should be considered objectively in relation to each Form A.271 examined.

Criteria	Yes	No
General		
Is the writing on the form legible?		
Have all the applicable fields been completed?		
Does the form provide a clear picture of the process(es)		
Any necessity to speak to the officer in order to obtain a clear picture?		
STOP CHECKS/STOPSEARCHES	Yes	No
Objects		
Is the 'object' of the search clear? (e.g. Stolen Property, Offensive Weapon, Going Equipped, Firearms, Controlled Drugs, etc.)		
If 'other' – (a) has the 'Object' been identified? and,		
(b) is it permitted under Stop & Search legislation?		
Grounds	Yes	No
Are the grounds based on more than personal factors? (e.g. observable behaviour and / or specific intelligence)		
Is the observable behaviour adequately described / recorded? (e.g. Own observation or third party information).		
Do the grounds support the object of the search?		
Do the grounds support the extent of the search?		
Is there any necessity to speak to the officer in order to obtain a clearer understanding of the 'Grounds' or 'Object'?		
Supervision	Yes	No
Has the form been checked and initialled by a Supervisor?		
Has officer / supervisor been spoken to in relation to the incident / form?		
Outcome	Yes	No
Has the record identified any inappropriate behaviour / practice?		
Have any concerns / further 'training necessities' been identified?		
Is there a requirement to speak to the officer concerning any issue?		
Has appropriate action been taken / arranged in relation to any of the above points?		

Self-Defined Ethnic Classification Categories

White	W
A. White – British	W1
B. White – Irish	W2
C. Any other White background	W9

Mixed	M
D. White and Black Caribbean	M1
E. White and Black African	M2
F. White and Asian	M3
G. Any other Mixed background	M9

Asian/Asian – British	A
H. Asian – Indian	A1
I. Asian – Pakistani	A2
J. Asian – Bangladeshi	A3
K. Any other Asian background	A9

Black/Black – British	B
L. Black Caribbean	B1
M. Black African	B2
N. Any other Black background	B9

Other	O
O. Chinese	O1
P. Any other	O9

Not Stated **NS**

Appendix A is a Legal Appendices

Appendix D is a table of Self –Defined Ethnic Classification Categories listed at ANNEX B of PACE Codes of Practice A.

(Note – All the above is a Public Document)

Appendix B is a Notes of Guidance – Not a Public Document

Appendix C is a Supervisor’s Checklist – Not a Public Document

Appendix NIL PUBLIC INTEREST IMMUNITY MATERIAL TO INCLUDE POLICE TACTICS – Not a Public Document

Authorisation to Stop and Search Section 44, Terrorism Act, 2000



- s44 (1) only - Terrorism Act 2000
- s44 (2) only - Terrorism Act 2000
- s44 (1) and (2) of The Terrorism Act 2000

Authorisation Serial No
(please tick as appropriate)

(Note: Authority under Section 44(1) and Section 44(2) must be confirmed by the Secretary of State within 48 hours from the date of authorisation – oral or written)

1a. Date and Time at which authorisation is given

1 b . ~~Type~~ Written Oral

To run until _____ (not to exceed 28 days)

2. Locality where powers are to apply

Whole Force area (Please indicate)

Designated area (Please specify)

Division(s)(name)

Area(s)

Specific potential targets within above Division(s) / Area(s)

Reasons for exercising section 44 powers

3. Signature.....A C P O
Operations/Stop Search (Terrorism)

R a n k * (d e l e t e a s
appropriate) (Commissioner / Assistant Commissioner / Commander / Chief Constable /
Deputy Chief Constable / Assistant Chief Constable)

PRINT NAME

(***Please note:** Only officer holding temporary or substantive rank may authorise Section 44
powers. Acting ACPO ranks may not authorise section 44 application)

Appendix F

A271 HEDDLU DYFED-POWYS POLICE FFURFLEN STOPIO / CHWILIO – STOP/ SEARCH FORM

() TICIWCH Y BLYCHAU PERTHNASOL / Tick boxes if applicable Cyfeirnod / Ref. No. _____

Stop / **Chwilio /** **Pwr Chwilio Perthnasol**
Stop **Search** **/ Search Power Used:**
 Gweler cyfarwyddyd trosodd / Please see over for

PNC	
Person	Modur / Vehicle

guidance

Cyfenw / Surname:		Enwau cyntaf / Forenames:					
Cyfeiriad / Address:		Taldra / Height:					
		Rhyw / Sex	Gwryw/ Male	Benyw/ Female			
		Dyddiad Geni: Date of Birth:					
Disgrifiad / Description:							
Swyddog(ion)/Officer(s):		Enw'r Gorsaf/Station Name:		Côd Gorsaf/ Station Code:			
Lleoliad/Location:		Amser/Time:		Dyddiad/Date:			
Manylion llawn y cerbyd/ Vehicle details complete in full:		Rif Cof./ VRM:					
Gwneuthuriad/Model – Make/Model:		Gofalydd/Vehicle Attended:					
		Chwiliwyd y Modur/Veh. Searched:					
Math/Lliw – Type/Colour:		Achoswyd Difrod/Damage Caused:					
Rheswm am Stopio/Chwilio – Reason/Grounds for Stop/Search:		Côd Rheswm am eich stopio/ Reason Code for being stopped:					
		Côd Atafaeliad (rhaid ei gwblhau)/ Seizure Code (must be filled in):					
Rhoddwyd copi/ Copy supplied:		Os na, pam? Reason if not supplied:					
A fu arestiad/ Arrested:		Trosedd/ Offence:		Rhif Dalfa/ Custody Ref:			
Byw yn ardal yr heddlu/ Force area resident:		Côd VC Code	Côd SC Code	Achoswyd Anaf/ Injury Caused		Côd Swyddfa Gartref/ Home Office Code:	
Llofnod y Swyddog Gweithredol/ Signature of Officer submitting:		Rhif Coler/ Collar No:		Dyddiad/ Date:			
Llofnod y Swyddog Goruchwyllo/ Signature of Supervisory Officer:		Rhif Coler/ Collar No:		Dyddiad/ Date:			