# Stop and Search Policy and Procedure

## Reference No.

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## Linked documents

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<td>P04:2004</td>
<td>NPCC Children and Young People Strategy</td>
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1 Policy Section

1.1 Statement of Intent – Aim and Rationale

The aim of this Policy and Procedure is for officers to exercise stop and search powers in a legitimate, effective and efficient manner and to support the promotion of trust, confidence and transparency during interactions with members of the public specifically when completing Stop/Search and whilst doing so improve the quality assurance of any data collected.

To ensure Force compliance with the Home Office Best Use of Stop and Search scheme 2014.

To support the appropriate, proportionate and lawful use of powers to target criminality, terrorism and disorder.

Any reference to ‘officer’ also includes Police Community Support Officers in the contexts of non-statutory stops and the power to stop/search under Section 44 of the Terrorism Act 2000.

This procedure should be read in conjunction with the following:

- Code A of the Police and Criminal Evidence Act
- Stop and Search Documents Library
- Home Office Best Use of Stop and Search Scheme 2014
- Authorised Professional Practice (APP)

1.2 Police Mission

Our Mission for policing is:

To make communities safer by upholding the law fairly and firmly; preventing crime and antisocial behaviour; keeping the peace; protecting and reassuring communities; investigating crime and bringing offenders to justice.

The Values of Dorset Police are detailed within the Code of Ethics. We are committed to the nine principles which underpin and strengthen the existing procedures and regulations for ensuring standards of professional behaviour for both police officers and police staff. Respect for Human Rights will be central to everything we do.

Our purpose is to work towards a “Safer Dorset for you”

National Decision Model

The National Decision Model (NDM) is the primary decision-making model used in Dorset Police. The NDM is inherently flexible and is applied to the development and review of all policy, procedure, strategy, project, plan or guidance. Understanding, using and measuring the NDM ensures that we are able to make ethical (see Code of Ethics), proportionate and defensible decisions in relation to policy, procedure, strategy, project, plan or guidance.
The Code of Ethics underpins every policy, procedure, decision and action in policing today. The Code of Ethics is an everyday business consideration. This document has been developed with the Code of Ethics at the heart ensuring consideration of the 9 Policing Principles and the 10 standards of professional behaviour. Monitoring is carried out through the Equality Impact Assessment process which has been designed to specifically include the Code of Ethics.

1.3 People, Confidence and Equality

This document seeks to achieve the priority to make Dorset feel safer by securing trust and confidence. Research identifies that this is achieved through delivering services which:

1. Address individual needs and expectations
2. Improve perceptions of order and community cohesion
3. Focus on community priorities
4. Demonstrate professionalism
5. Express Force values
6. Instil confidence in staff

This document also recognises that some people will be part of many communities defined by different characteristics. It is probable that all people share common needs and expectations whilst at the same time everyone is different.

Comprehensive consultation and surveying has identified a common need and expectation for communities in Dorset to be:-

- Listened to
- Kept informed
- Protected, and
- Supported.

2 Standards

2.1 Legal Basis

The legal basis underlying the police use of stop/search powers is derived from a number of ‘Codes of Practice’ and associated legislation.

The list below, whilst not definitive, details the primary powers used by the police when carrying out street interventions.

<table>
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<tr>
<th>Section</th>
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<tr>
<td>1</td>
<td>Police and Criminal Evidence Act 1984</td>
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<td>Criminal Justice and Public Order Act 1984</td>
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<td>Terrorism Act 2000</td>
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<td>Confiscation of Alcohol (Young Persons) Act 1997</td>
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<td>Anti-Social Behaviour, Crime and Policing Act 2014</td>
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The Equality Act streamlines nine existing pieces of legislation including those pertaining to race, gender and disability into one Act. The legislation has been extended to cover the ‘protected characteristics’ of:

- Age
- Disability
- Gender Reassignment
- Marriage or Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

The General Equality Duty requires Dorset Police in the exercise of its functions, to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity
- Foster good relations

The Act impacts directly on stop/account and stop/search and two protected characteristics likely to have significant impact in the confidence of Police conducting stop/account and stop/search are race and religion or belief. Race is defined by EHRC as a group of people defined by their race, colour and nationality (including citizenship) ethnic or national origins. Religion or belief has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief. Stop/account and stop/search must not be undertaken based on any prejudice towards any protected characteristic.

### 2.2 People, Confidence and Equality Impact Assessment

During the creation of this document, this business area is subject to an assessment process entitled “People, Confidence and Equality Impact Assessment (EIA)”. Its aim is to establish the impact of the business area on all people and to also ensure that it complies with the requirements imposed by a range of legislation.

### 2.3 Monitoring / Feedback

All supervisors including Sergeants, Inspectors and Chief Inspectors must monitor how officers carry out stop/search and ensure that they are conducted in line with the Police and Criminal Evidence Act 1984 (PACE), Force policy as well as other relevant legislation such as the Human Rights Act 1998 and Equalities Act 2010. Supervisors should ensure that encounters are being carried out in response to force intelligence and ‘tasking’ and follow the principles of NIM. (See Appendix B Supervisors Flow Chart).

However, it is the quality of such encounters carried out by individual officers or teams that supervisors should monitor, not the quantity. Measuring quantity has the potential to lead to inappropriate and over use of powers, which has a high impact on disproportionality and public confidence.

The responsibilities around monitoring are expanded below under ‘Supervisors’ Responsibilities’. 
Statistical returns for the implementation of S43 Terrorism Act 2000 powers are collated and forwarded to the Home Office on an annual basis.

Performance is monitored at the People, Confidence and Equality Board chaired by the Deputy Chief Constable and Police and Crime Commissioner. Monitoring contains the following aspects:

- Number of stop/searches by ethnicity and arrest at Force and local authority area level
- Ethnicity and reason for stop/search
- Age and sex of those stop/searched

Feedback relating to this policy can be made in writing or by e-mail to:

Chief Inspector Pete Browning
Ferndown Police Station
Ameysford Road
Ferndown
Dorset
BH22 9HQ

E-mail: peter.browning@dorset.pnn.police.uk
### 3 Procedure Section

#### 3.1 Introduction

The quality of every stop/account and stop/search can influence public confidence in the use of police powers and can provide a positive contribution to reducing the fear of crime. Powers should be used with the support and trust of all communities and individual members of public should be treated with dignity and respect at all times.

Although the legislation underlying types of street interventions arise from various statutes, people who are subject to stop/account or stop/search make little distinction between these different laws. The concerns of the public centre on justification for the encounter, how the interaction was conducted and the level of intrusion.

Any type of profiling which targets a person from a particular ethnic group, faith group or background is unlawful and intervention should not take place without the existence of additional credible reasons and where applicable follow the principle of the National Decision-making Model.

Street interventions are high profile and contentious areas for communities. If poorly carried out they can be a major cause of tension between Black, Asian and Minority Ethnic communities (BAME groups) and the police service, and may also have a wider effect on community relations. It is therefore vital for the police service to aim to increase the confidence that ethnic communities have in the way the police use this power.

Positive leadership and commitment is provided by Chief Officers together with determination from managers, supervisors and officers conducting street interventions to ensure that their responsibilities for the effective and legitimate use of this tactic are maintained. The use of these powers requires discretion, judgement and sensitivity and the Force will support officers who use these powers properly and in appropriate circumstances.

#### 3.2 Public Confidence

In July 2013 the HMIC published its report ‘Stop and Search Powers – Are the Police using them fairly and effectively' with a number of recommendations to improve public confidence, understanding and promote a fair and effective use of stop and search by Police.

In August 2014 the Home Office published the Best Use of Stop and Search Scheme, this voluntary scheme has been adopted by Dorset Police in its entirety and both procedure and policy have changed to reflect this and can be viewed via the link [http://dpintranet/Command%20Areas/Territorial%20Policing/Stop%20and%20Search/Document%20Library/Best_Use_of_Stop_and_Search_Scheme_v3.0_v2.pdf](http://dpintranet/Command%20Areas/Territorial%20Policing/Stop%20and%20Search/Document%20Library/Best_Use_of_Stop_and_Search_Scheme_v3.0_v2.pdf)

Police powers to stop/search can have a significant impact on public confidence in policing - positive, where it is effective and negative where it is not.

The OPCC believes that it is not enough for the exercise of stop/search powers to simply be within the law. Where stop/search powers are used by the police, they should be used in a way that demonstrably meets the following objectives:

- Fairness
- Effectiveness
3.2.1 Fairness: The Encounter

Each officer who exercises the powers to stop motor vehicles must be able to rationalise why they have used the power and be able to explain their reasoning. Providing an informed explanation is critical step in ensuring the encounter is positive and does not lead to reduced confidence or a feeling of unfairness amongst our communities.

3.2.2 Effectiveness: Purposes of the use of Stop/Search powers

The OPCC believes that the primary purpose of the use of stop/search powers should be for the detection and prevention of crime. We recognise that some forces use the powers for the purposes of disruption and deterrence. Regardless of purpose for which stop/search powers are used, the police should be able to demonstrate the effectiveness of the powers through regular monitoring, taking into account the volume of complaints, the number of fixed penalties, cautions, arrests and charges arising from stops, the impact on crime profiles and the level and quality of local intelligence-gathering.

3.2.3 Fairness and effectiveness

Local police commanders need to ensure that the most appropriate powers are used to achieve the policing objectives and that their officers can differentiate between, and have a good understanding of, the different powers available to them. The use of ‘blanket’ powers such as those in Section 60 of the Criminal Justice and Public Order Act need to be supported by a focussed and specific intelligence package, rather than merely refer to ethnic origin or the reputation of an area.

3.2.4 Public Confidence: Engaging with Communities

The OPCC believes that communities are more likely to have greater confidence in stop/search powers if properly used and demonstrably effective. Local police commanders therefore need to engage with communities to inform people about the use of the powers within their local policing area, and demonstrate the effectiveness as described in 3.24. Communities should also be afforded the opportunity to feed back to police their experience of stop/search and discuss their concerns about crime in their area.

Communities should be aware of the reasons behind any ‘blanket’ powers such as those in Section 60 or Section 43 / 47A of the Terrorism Act, as described in 3.16 and 3.17 Police Commanders need to clearly show the purpose of a specific stop/search operation to both the officers and the communities they serve. For example, in the Police and Criminal Evidence Code of Practice the primary purpose of the stop/search power is ‘to enable officers to allay or confirm suspicions about individuals without exercising their power to arrest’ but we know that the powers are also used to deter and disrupt criminal activity – the police should therefore be open with the local community about their intentions.

3.2.5 Public Confidence: Handling of Complaints

A significant proportion of complaints about stop/search are capable of local resolution. The quality of the resolution, willingness of the police to provide an explanation or apology as appropriate, and learn from complaints is therefore crucial to public confidence. Where the complaint results in an investigation, this should examine the relevant intelligence and
3.3 The National Intelligence Model

The National Intelligence Model (NIM) details how police forces should be ‘intelligence led’ and will provide the impetus for policing priorities and tasking. The use of stop/search powers must be carried out in accordance with this model.

Stop/account and stop/search requirements are not applicable to general conversations such as when giving directions to a place, or when seeking witnesses. They are also not required on occasions when an officer is seeking general information or questioning people to establish background to incidents that have required officers to intervene to keep the peace or resolve a dispute.

3.4 Levels of Intrusion

The impact on an individual is an important element in any interaction with the police and there is a need to ensure that any interaction is justified and carried out in a professional manner at all levels.

3.4.1 Escalating Levels of Intrusion

3.4.1.1 General Conversation

Our interaction with the public is essential in building trust and reassurance. General conversation is not governed by legislation and is the least intrusive however it should always be conducted in such a way as to leave a positive impression on the public. As the least intrusive it does not need to be recorded or follow the same requirements as stop/account and stop/search powers. Examples may include giving directions to a place, when establishing witnesses, when an officer is seeking general information or questioning people to establish background to incidents that have required officers to intervene to keep the peace or resolve a dispute.

3.4.1.2 Stop/Account

This is when a police officer stops a member of the public in a public place and asks them to account for themselves but does not search them. The person can be asked to account for their actions, behaviour and presence in an area or possession of an item. Such encounters must not be used solely for the purpose of establishing grounds to search a person.

3.4.1.3 Stop/Search

The main intention of stop/search is to allow officers to allay or confirm suspicion about a person, without exercising their power of arrest. Searches must be based upon reasonable grounds for suspicion. Exceptions to this are when officers are authorised under Section 43 Terrorism Act 2000 or under Section 60 Criminal Justice and Public Order Act 1994.

3.5 Monitoring and Stop and Search

All supervisors including Sergeants and Inspectors must monitor how officers carry out stop and search and ensure that they are conducted in line with the Police and Criminal Evidence Act
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1984 (PACE), Force policy as well as other relevant legislation such as the Human Rights Act 1998 and Equality Act 2010. Supervisors should ensure that encounters are being carried out in response to force intelligence and ‘tasking’ and follow the principles of NIM. (See Appendix B Supervisors Flow Chart)

However it is the quality of such encounters carried out by individual officers or teams that supervisors should monitor, not the quantity. Measuring quantity has the potential to lead to inappropriate and over use of powers, which has a high impact on disproportionality and public confidence.

The responsibilities around monitoring are expanded below under ‘Supervisors’ Responsibilities’.

3.6 Standards of Conduct

The standards of conduct in the police use of stop/account and stop/search are encapsulated within Code A of The Police and Criminal Evidence Act (PACE). When exercising these powers under PACE, officers must fully comply with the requirements of Code 'A'.

Training will include an input on Personal Safety Training (PST) plus training packages as prescribed by the College of Policing.

All officers and staff must be aware of the negative impact that is caused by poorly conducted stop/searches and ensure that they are conducted in such a way that they leave a positive impression of Dorset Police on the public.

All relevant members of the Force will be properly trained in the use of stop/search powers including conduct of any intervention, legislative requirements and issues to address potential disproportionality. This will be done in line with changes in legislation, guidance from the College of Policing, and operational issues raised via the Stop Search Scrutiny Panels or People, Confidence & Equality Board, and cascaded via Organisational Development.

The co-operation of the person to be searched must be sought in every case, even if the person initially objects to the search. A forcible search may be made only if it has been established that the person is unwilling to co-operate or resists.

The length of time for which a person or vehicle may be detained and the extent of any search must be reasonable and kept to a minimum. [See 3.6.2.1 – Officers Exercising Stop Search Powers – page 13 Note 2]

The search must be carried out at or near the place where the person or vehicle was first detained. [See 3.6.2.1 Officers Exercising Stop Search Powers – page 13 Note 3]

There is no power to require a person to remove any clothing in public other than an outer coat, jacket or gloves except under Sections 45(3) of the Terrorism Act 2000 (which empower a constable conducting a search under Section 44(1) or 44(2) to require a person to remove headgear and footwear in public) and under Section 60AA of the Criminal Justice and Public Order Act 1994 which empowers a constable or designated person to require a person to remove any item worn to conceal identity.

A search in public of a person's clothing, which has not been removed, must be restricted to superficial examination of outer garments. This does not however prevent an officer from placing his hand inside the pockets of the outer clothing, or feeling round the inside of collars, socks and
shoes if this is reasonably necessary in the circumstances to look for the object of the search or to remove and examine any item reasonably suspected to be the object of the search. For the same reasons, subject to the restrictions on the removal of headgear, a person's hair may also be searched in public.

Where on reasonable grounds it is considered necessary to conduct a more thorough search (e.g. by requiring a person to take off a T-shirt), this shall be done out of public view, for example, in a police van unless or police station if there is one nearby.

Any search involving the removal of more than an outer coat, jacket, gloves, headgear or footwear, or any other item concealing identity, may only be made by an officer of the same sex as the person searched and may not be made in the presence of anyone of the opposite sex unless the person being searched specifically requests it.

Searches involving exposure of intimate parts of the body must not be conducted as a routine extension of a less thorough search, simply because nothing is found in the course of the initial search. Searches involving exposure of intimate parts of the body may be carried out only at a nearby police station or other nearby location, which is out of public view (but not a police vehicle).

Officers must ensure that they seek prior authorisation from a supervisor where a search will involve the removal of more than an outer coat, jacket and gloves (JOG) for a juvenile aged 17 and under.

There should be a presumption against under 10’s being stopped and searched save in exceptional circumstances. Where an officer is considering searching a child under 10, the officer must contact their supervisor unless the matter is so urgent that it is unsafe to do so. The supervisor will consider any appropriate safeguarding actions necessary. The details of the supervisor will be recorded on the form in all circumstances.

There will also be a presumption that no child under the age of 10 shall be ‘strip searched’. Where such action is considered absolutely necessary to protect the child and/or others, then consideration must be given to placing the child into statutory protection under the Children Act 1989 and contact made with Social Services to assist in safeguarding the child. The on duty Critical Incident Inspector and SRU supervisor should be notified. This should occur prior to the search taking place unless to do so would place the child, another person or the officer at significant risk. In such circumstances they should be informed as soon as practicable to ensure follow-up safeguarding action is considered.

3.6.1 Steps to be taken prior to a search

Before any search of a detained person or attended vehicle takes place the officer [or designated person] 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 officer’s (or designated person’s) name (except in the case of enquiries linked to the investigation of terrorism, or otherwise where the officer reasonably believes that giving his or her name might put him or her in danger, in which case a warrant or other identification number shall be given) and the name of the police station to which the officer is attached.
(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 for that suspicion; or
(iii) in the case of powers which do not require reasonable grounds the nature of the power and of any necessary authorisation and the fact that it has been given.

Officers not in uniform must show their warrant cards (or a designated person must produce documentary evidence that he is a designated person).

Before the search takes place the officer [or designated person] must inform the person (or the owner or person in charge of the vehicle that is to be searched) of his or her entitlement to a copy of the record of the search, including his entitlement to a record of the search if an application is made within 3 months, if it is wholly impracticable to make a record at the time. If a record is not made at the time the person should also be told how a copy can be obtained. The person should also be given information about police powers to stop/search and the individual's rights in these circumstances.

If the search record is recorded via Hand Held Data Device or similar appropriate technology then the person must be provided with an approved information document containing the relevant unique reference number for the search and advised of how a copy of the record can be obtained. The person should also be given information about police powers to stop/search and the individual’s rights in these circumstances.

3.6.2 Notes for Guidance

3.6.2.1 Officers exercising stop/search powers

1. Where there may be religious sensitivities about asking someone to remove a face covering using the powers in Section 60AA of the Criminal Justice and Public Order Act 1994, for example in the case of a Muslim woman wearing a face covering for religious purposes, the officer should permit the item to be removed out of public view. Where practicable, the item should be removed in the presence of an officer of the same sex as the person and out of sight of anyone of the opposite sex. In all cases, the officer must reasonably believe that the person is wearing the item in question wholly or mainly to conceal his or her identity.

2. A search of a person in public should be completed as soon as practicable.

3. A person may be detained under a stop/search power at a place other than where the person was first detained only if that place, be it a police station or elsewhere, is nearby. Such a place should be located within a reasonable travelling distance using whatever mode of travel (on foot or by car) is appropriate. This applies to all searches under stop/search powers, whether or not they involve the removal of clothing or exposure of intimate parts of the body or take place in or out of public view. It means, for example that a search under the stop/search power in Section 23 of the Misuse of Drugs Act 1971 which involves the compulsory removal of more than a person's outer coat, jacket or gloves cannot be carried out unless a place which is both nearby the place they were first detained and out of public view, is available. If a search involves exposure of intimate parts of the body and a police station is not nearby, particular care must be taken to ensure that the location is suitable.

4. A search in the street itself should be regarded as being in public, even though it may be empty at the time a search begins. Although there is no power to require a person to do so, there is nothing to prevent an officer from asking a person to voluntarily remove more
than an outer coat, jacket or gloves (and headgear or footwear under Section 45(3) of the Terrorism Act 2000) in public

5. Where there may be religious sensitivities about asking someone to remove headgear using a power under Sections 45(3) of the Terrorism Act 2000, the police officer should offer to carry out the search out of public view (for example, in a police van or police station if there is one nearby).

3.7 Sex of Searching Officer

Any officer, regardless of sex, can search the outer coat, jacket, gloves, headgear, footwear whether or not it is removed, or any other item concealing identity or outer garment of any individual who is being searched. They can also carry out any search that includes searching pockets in outer clothing, or feeling round the inside of collars, socks and shoes if this is necessary in the circumstances to look for the object of the search (Code A Sections 3.5 and 3.6 refer).

Any search that goes beyond that specified above must be conducted by a person of the same sex as the person stopped, and not in the presence of a person of the opposite sex, unless the subject of the search specifically requests their presence.

However, the sex of the officer conducting searches undertaken by virtue of Section 43 Terrorism Act 2000 must be conducted by a person of the same sex as the person stopped in order to comply with that specific Act and Section.

In order to comply with PACE, staff who identify as transsexual or transgender and who have not been granted a Gender Recognition Certificate (under the Gender Recognition Act 2004), must not be involved in the conduct, assistance or observation of any searches, other than those described in paragraph 1 of section 3.7 above. Therefore a member of staff with a Gender Recognition Certificate may lawfully conduct searches that go beyond that, so long as their acquired gender is the same as that of the person being searched.

Whilst PACE states that ANY officer may search outer clothing it should also be acknowledged that persons from particular cultural backgrounds or diverse groups might feel uncomfortable being searched by persons of the opposite sex. If a person to be searched expresses a wish to be searched by a person of the same sex then every practicable effort will be made to comply with that request. If it is not practicable then the officer shall explain to the person being searched why it is not practicable.

3.8 Equality Considerations

Certain individuals may have greater concerns when approached by an officer, such as young people, persons with a physical disability, those with learning difficulties, persons who experience difficulty understanding the process or have communication difficulties. Officers must clearly communicate the grounds for the stop using simple and easy to understand language and check that the person has understood the information given.

Code A PACE Section 3.11 states ‘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 this Code 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’.

Consideration should be given to utilising Language Line if appropriate, or other interpreter services such as BSL.

3.9 Vulnerable Persons

Certain groups in society, such as young people, those with learning difficulties or person who experience difficulty understanding the process or communication, may be more vulnerable and have greater concerns in relation to stops when approached by an officer. Officers must clearly communicate the grounds for the stop using simple and easy to understand language and check that the person has understood the information given.

Code A PACE Section 3.11 states ‘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 this Code 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’.

3.10 Children and Young People

Unless the matter is so urgent that it would be unsafe to do so, where an officer proposes to search a child believed to be under the age of 10 years, then consultation will be required with a supervisor (Sergeant) who will firstly consider relevant safeguarding actions. Details of the supervisor will be recorded on the search record.

There will be a presumption that no child under the age of 10 will be ‘strip-searched’. Where such action is considered absolutely necessary to protect that child and/or others, then consideration must first be given to placing the child into statutory protection under the Children Act 1989, and contact made with Social Services to assist in safeguarding of the child. The on-duty Critical Incident Manager and Public Protection Supervisor must be contacted, together with the on-call Duty PACE Supt. This should occur prior to the search taking place, unless to do so would place the child, another person, or the officer at significant risk. In such circumstances, they should be informed as soon as practicable to ensure follow-up safeguarding action is undertaken. (See Appendix A(1) Officers (Children and Young Persons)

That all searches 13 and under will be subject to additional scrutiny by the Prevention Department and reported to the Dorset Children and Young Persons Strategy Meeting

If a person appears to be 17 and under, they shall be treated as a juvenile for the purpose of Code A in the absence of clear evidence that they are older.

If a child is considered to be at risk in the particular circumstances when the intervention takes place, then officers should consider removal of the young person from such danger and take appropriate action. Police protection protocols must be adhered to. The Duty Inspector must be informed.

Children are amongst the most vulnerable members of society. It is therefore vital that Officers consider safeguarding measures. Police have powers to stop and search persons of any age in
Those 17 years and under, are vulnerable due to age. Young persons may have greater concerns or lack of understanding regarding the encounter. Young people could suffer long term effects from encounters with Police. Officers must be civil, tolerant, patient and aware of young peoples’ concerns when seeking co-operation.

To reflect this, officers will complete a Public Protection Notice (PPN) where a young person or child under the age of 18 is stopped and searched and will also contact a parent/guardian in all cases. This is in line with the Forces' Children and Young Persons (CYP) strategy.

3.11 Recording Interventions, Ethnicity and Descriptive Monitoring

Modern policing must, above all, deliver a service that is fair to everyone and consistent with our duty to protect and uphold human rights.

In order that comparable data is gathered, all criminal justice agencies in England and Wales collect information on self-classified ethnicity.

NPCC (Formerly ACPO) and the Home Office agreed that 16+1 ethnicity monitoring must be utilised in stop search.

Section 95 of the Criminal Justice Act 1991 requires the Secretary of State to publish this information to enable those involved in the Criminal Justice System to ensure that discrimination on the grounds of race, sex or any other improper grounds is avoided.

A failure to accurately record activity in this area of policing will provide a false picture of the fairness and how effectively these powers are used. In addition it results in lost opportunities to gain intelligence.

The Police Service, other agencies and members of communities draw conclusions from stop/search statistics. If these are flawed by significant omissions then the data may provide an imbalanced overview, leading members of the public to draw negative conclusions of the force.

It is therefore vital to record ALL stop/searches regardless of the ethnicity of the person stopped and to ensure that the ethnicity is recorded. Where an individual refuses to assist with an ethnicity declaration or the officer is called away, then the 16+1 codes may be used (as per PNC classification).

Recording allows for an opportunity to develop good quality community intelligence whilst ensuring that the officer is accountable for his or her actions under the Authorised Professional Practice

3.12 Stop/Search (Form C314 applies until launch of new digital app new hand held mobile devices)

Stop/search should be carried out under the legislative requirements of the Police and Criminal Evidence Act 1984 (PACE).

‘Code A’ of PACE sets out these requirements in detail. All officers must be fully aware, understand and follow the requirements placed upon them by Code A, which are obligatory.
Full details of PACE and Code A (including the latest amendments) can be accessed via the following link:

An officer, who has carried out a search in the exercise of any power to which Code 'A' 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. Form C314 will be used for this purpose. If a record is not made at the time, it must be made as soon as practicable afterwards.

A full and detailed explanation of the grounds for the stop must be included on the record. The explanation should be clear and unambiguous and the use of police jargon should be avoided.

A Receipt Card Form C314b must be given where required to the person who has been searched. The officer must ask for 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.

Form C314 must be fully completed by the officer conducting the search. The form will contain those details as required under Code 'A' paragraph 3.3, which are set out on the form.

Officers will submit their stop search form to their supervisor for checking/signing prior to being input via the Winscribe dictation system.

If the form has been completed correctly the supervisor will sign the form and the officer will then input via the Winscribe dictation system.

If the form has missing fields or inadequate grounds, the supervisor will discuss the details of the form with the officer and make amendments accordingly.

The revised form will then be re-submitted to supervision for checking/signing before being returned to the officer for dictation to Central input Bureau (See 3.12.9).

The dictation system will then prompt you and request the relevant information from the stop/search form.

The C314 will then be submitted to the officer’s line manager before the end of the tour of duty. If this is not practical, it must be submitted within a maximum 24 hours.

The form will then be forwarded to Central Records for filing (see 3.12.16).

All stops will now be recorded on the nominal’s POLE record, thus allowing officers to easily see where they have been stopped and in what circumstances, rather than having to check a second or third database.

The C314 is then submitted to Central Records for filing. Forms will be filed in Month and Station order and retained for 13 months.

The C314 form will be superseded by the new stop search digital mobile app.
3.13 Reasonable Grounds

Full details on ‘reasonable grounds’ are contained within Code A of PACE. Reasonable grounds for suspicion depend on the circumstances in each case. There must be an objective basis for that suspicion based on facts, information, and/or intelligence which are relevant to the likelihood of finding an article of a certain kind or, in the case of searches under Section 43 of the Terrorism Act 2000, to the likelihood that the person is a terrorist.

Reasonable grounds can never be supported on the basis of personal factors. It must rely on intelligence or information about, or some specific behaviour by, the person concerned. For example, other than in a witness description of a suspect, a person's race, age, appearance, or the fact that the person is known to have a previous conviction, cannot be used alone or in combination with each other, or in combination with any other factor, as the reason for searching that person.

Reasonable grounds cannot be based on generalisations or stereotypical images of certain groups or categories of people as more likely to be involved in criminal activity. A person’s religion cannot be considered as reasonable grounds for suspicion and should never be considered as a reason to stop or stop/search an individual.

Reasonable grounds can sometimes exist without specific information or intelligence and on the basis of the behaviour of a person. However, reasonable grounds should normally be linked to accurate and current intelligence or information, such as information describing an article being carried, a suspected offender, or a person who has been seen carrying an article stolen recently from premises in the area.

Searches based on accurate and current intelligence or information are more likely to be effective.

Targeting searches in a particular area at specified crime problems increases their effectiveness and minimises inconvenience to law-abiding members of the public. It also helps in justifying the use of searches both to those who are searched and to the public. This does not however prevent stop/search powers being exercised in other locations where such powers may be exercised and reasonable grounds exist.

Searches conducted for cannabis on ‘smell alone’ are deemed insufficient and officers should consider the pneumonic S.H.A.C.K.S and refer to the guidance provided by the College of Policing and the Authorised Professional Practice.


3.14 Confiscation of Alcohol (Young Persons)

Power to Confiscate Alcohol Section 1 of the Confiscation of Alcohol (Young Persons) Act 1997 specifies the procedure and the offences in connection with the confiscation of alcohol from individuals under the age of 18.

Section 1(1) Where a constable reasonably suspects that a person in a relevant place is in possession of alcohol and that either-

(a) He/she is under the age of 18; or
(b) He/she intends that any of the alcohol should be consumed by a person under the age of 18 in that or any other relevant place; or

(c) a person under the age of 18 who is, or has recently been, with him has recently consumed alcohol in that or any other relevant place, the constable (or PCSO) may require him to surrender anything in his possession which is, or which the constable reasonably believes to be, alcohol or a container for alcohol, and to state his name and address.

Note that there is no power of search for officers however Paragraph 8 Schedule 8 Serious Organised Crime and Police Act 2005 provides Police Community Support Officers with the power of search in regards to alcohol and tobacco.

3.15 Location of Searches

An officer who decides that there are reasonable grounds to conduct a more thorough search may take the person to a Police Station. This should be the nearest Police Station. If this occurs the Custody Sergeant must be made aware of the circumstances of the search but there is no need for detention to be authorised. This is not an arrest, and PACE Code A makes it clear that the provisions of PACE Code C governing the detention of persons, does not apply to a person detained at a Police Station for the purpose of a drug search, unless the search involves the exposure of intimate parts of the person’s body.

Any such searches are governed by paragraph 11 Annex A to PACE Code C (conduct of strip searches).

Neither a Custody Officer nor any other officer has any statutory power or duty under PACE to authorise detention and have the person searched, irrespective of the extent of the search. There is no requirement to open a custody record.

In addition, PACE Code A is clear that the search must be conducted at or nearby the place where the person or vehicle was first detained and every reasonable effort should be made to minimise the embarrassment that a person being searched might experience.

The length of time for which a person or vehicle may be detained must be reasonable and not extend beyond the time taken for the search.

If the custody suite is experiencing operational difficulties then the Custody Sergeant does have the right to refuse this request and an alternative room should be used.

The Custody Sergeant will direct the Officers where exactly in the custody suite the search is to take place.

Medical rooms in the custody suites are not to be used for any form of drug search

Supervision of such a search should be in accordance with National Guidance and Force policy governing stop and search

3.16 Searches not based on ‘REASONABLE GROUNDS’

Most stop/search powers require the existence of reasonable grounds in order to make them lawful. However, there are other powers to conduct interventions based on authority of a designated officer alone. These powers are contained within:
Authority to search under **Section 43 (1) and (2)** is based upon the consideration that the exercise of one or both powers is expedient for the prevention of acts of terrorism.

Officers must be mindful of the sensitive nature of the use of this power and the potential for over use. Therefore stop searches under this power should only be used when it is considered appropriate, necessary and proportionate to do so.

All officers to be involved in the exercising of S43 powers will receive a detailed briefing prior to use of these powers. Prior to the briefing a **Threat Assessment** and a **Community Impact Assessment** should be conducted aimed at establishing its impact on diverse groups within the community and detailing actions taken to minimise that impact. The briefing must include reference to the diversity issues identified.

Statistical returns for the implementation of S43 powers will be collated and forwarded to the Home Office.

### 3.17 Searches conducted under Section 60 Criminal Justice and Public Order Act 1994

This act is designed to prevent serious violence taking place in a ‘specified’ area. Since the area is clearly defined, anyone within that area can be stopped and searched without the requirement for 'reasonable grounds'.

Dorset Police is in compliance with the Home Office Best Use of Stop and Search Scheme 2014. Under the scheme a search can only be authorised by a Chief Officer. If an officer has reason to believe that incidents involving serious violence may take place and that it is necessary to authorise a search to prevent them. Authorisation must be based on intelligence or relevant information about, for example, violence between particular groups, previous incidents of violence at, or connected with, particular events or locations.


This complies with the Dorset Police Force computer systems (NICHE RMS) and must be utilised in the event of the authority being issued. This application includes the Section 60AA authority allowing an officer to order the removal and seizure of articles if reasonably believed the article is used for the purpose of disguise.

Following the introduction of the Home Office Best Use of Stop and Search Scheme 2014, the authorisation level for Section 60 has been raised from Inspector to a police officer of the rank of at least an Assistant Chief Constable. If there is a spontaneous/urgent request for a Section 60 search, the on duty Critical/Delta Patrol Inspector ‘on the ground’ will make the initial request via the existing iTask link noted above; and that they will then disseminate this to the On Call Chief Officer for authorisation.

Training on the use and application of Section 60 for all ranks appropriate to their role should be provided. Guidance can be found when completing the template for the Section 60 authority via the Neighbourhood Inspectors’ portal on iTask. Completion of this template automatically alerts
The community must be engaged where possible before, during and after a Section 60 authorisation. The Neighbourhood Policing Inspector must be complete a Community Impact Assessment (CIA) and a media/communications strategy must be undertaken.

3.18 Powers of Dispersal

3.18.1 Authorisations under s35 Anti-Social Behaviour, Crime and Policing Act 2014

Use of these powers requires the signed written authority of an Inspector specifying the locality in which the dispersal powers can be used. This authorisation must be in place prior to an officer giving a direction to leave.

These authorities can last a maximum of 48 hours and will fall into two categories, Pre-Planned and Dynamic.

Pre-Planned – Foreseen can be pre-authorised by Inspector or above for up to 48hrs for a Specified Locality. EG. Friday night Town Centre has history or disorder. Or there is going to be an event that is likely to result in disorder.

Officers will be notified of these pre authorised dispersal powers via briefings. Officers can then give directions to leave without needing to directly contact an Inspector or above for as long as the authority is in place.

Dynamic – Officer must contact an Inspector requesting authority to use dispersal powers in a specified locality (Section Insp, D2/C2 as first point of contact then Force Incident Commander (FIC) if others unavailable).

Each time an individual is directed to leave, utilising Section 35 powers, a Section 35 notice will be completed by the OIC and given to the person/s being directed to leave. This must give details of area to disperse from (give map if available) and the time period it lasts for (max 48 hours). The OIC will ensure the details of the individual are added to the relevant incident log by passing to FCC at the time. The issuing officer will input the Section 35 details onto NICHE, using the Central Input Bureau (CIB). The notice must be retained locally for 48hrs – this will ensure it is available should the offender breach and is arrested as the notice will be required for production in the custody suite. Following a quality assurance check by local supervision the notice will then be passed to Central Records for filing.

If the S35 notice applies to a juvenile, the Officer concerned will complete a Public Protection Notice (PPN) and submit to the Force Safeguarding Referral Unit for any further assessment.


3.19 Positive Supervision

This policy relies on positive supervision. The role of the first line manager, especially the sergeant is critical in this type of policing activity. The supervisory role is not simply to check forms officers submit but also proactive supervision to ensure that good quality encounters are
taking place. This will include working with officers and observing how encounters are being conducted on the street.

Supervisors will ensure that daily briefings are intelligence-led, using the most up to date information on the Dorset Police Briefing and Tasking System. Officers should be directed to target stop/search activity in locations nominated for Directed Patrol Activity (DPA) via the Tasking and Co-ordination Group (TCG) and Daily Intelligence / Tasking Meetings (DIM and DTM) and against targeted individuals when grounds exist.

Where stop searches occur in locations outside the Directed Patrol Area (DPA) and against people who are not divisional targets, therefore, supervisors must ensure that officers are using their powers responsibly.

Officers will be instructed to complete all C314 stop search forms and submit to a supervisor for checking/signing. (Pending the introduction of hand held mobile devices). Once the paper C314 ‘Stop & Search’ Form has been submitted by the officer, supervisors are required to check each paper form for compliance to the force standards i.e. grounds, data quality etc.

If the supervisor is satisfied with compliance of the officer’s paper form, then at this stage the record can be signed and be returned to the officer to be input onto the system via the Winscribe Dictation system to the Central Input Bureau. The form can then be sent to Central Records for filing.

If the supervisor deems that the paper form is not complete or falls below the requirement to comply with the force standard, the supervisor must address the failings with the officer.

The officer will complete any amendments to the form and will resubmit to the supervisor for finalisation. Only at this point should the officer input via the Winscribe Dictation system when signed by the supervisor. The supervisor should as a minimum standard, electronically check and sign off ALL searches.

Paper forms submitted to Central Records for filing. Forms will be filed in month and station order and retained for 13 months.

Evidence of the supervision of stop/search will form part of the minimum standards required for sergeants.

A self-inspection process is conducted in all relevant business areas. An appropriate stop/search audit will form part of this to ensure powers are being used appropriately and that positive supervision is evident. Supervisors will be held to account for team performance and compliance with policy.

Officers submitting C314 records are not required to complete a separate NICHE record unless further relevant information or intelligence exists which is not recorded within the C314.

Sergeants, Inspectors and Chief Inspectors shall utilise forcewide systems including Niche and Pole Alerts to identify stop search activity and take appropriate measures.
3.20 Responsibilities

3.20.1 Force Responsibilities

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

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

The Chief Constable will ensure that:

- This policy is readily available to the public and its availability is publicised.
- Frontline officers are conducting stop/search in line with the Police and Criminal Evidence Act 1984 (PACE), Force policy, Force intelligence and instructions given to them in tasking meetings and briefings, as well as other relevant legislation such as the Human Rights Act 1998.
- A summary of all stop/search records are available to members of the public and figures are put into a local context for the community.
- Local communities or key groups (such as the Muslim Contact Group, Dorset Race Equality Council), which form part of the Community Scrutiny Panels are encouraged to participate in developing this policy.
- Statutory requirements are met for the submission of and stop/search data to the Home Office and management information systems are in place, which can be interrogated to provide information on significant trends or disproportionality.
- There is training provision to meet the needs of all staff.
- Stop/search data are quality assured at Force and local authority level as an integral part of the internal inspections process and externally through the Police and Crime Commissioner’s office, the Stop and Search Scrutiny Panels and through public consultation.
- Central quality assurance and ethnicity monitoring of the data recorded from officers carrying out their powers under Code A is undertaken.
- The National Intelligence Model drives policing activity in this area.
- The force adheres to the criteria set out by the Home Office Best Use of Stop and Search Scheme 2014, and that should the force step outside of the scheme that details of this are publicised.

3.20.2 Commanders

It is essential that as the Commander of a territorial or operational command area where officers exercise powers for stop/search, senior officers must be able to demonstrate that this is done effectively and in a non-discriminatory way.

They will ensure that:

(a) Force policy is communicated to and fully understood by all officers working within their area of command.
(b) The use of the tactic is managed in accordance with this policy document and directed by tasking meetings towards local problems and priorities in accordance with the National Intelligence Model (NIM).
(c) The tasking process is free from racial discrimination, stereotyping or profiling not based on intelligence

(d) Stop/search activity is monitored to ensure that it is informed by intelligence from tasking meetings and is conducted in line with force policy.

(e) All staff, including specialist staff, are fully conversant with current briefing materials, force intelligence, tasking meetings and briefings, as well as with the Force stop/search policy and PACE.

(f) Stop/search is used effectively.

(g) There is proactive supervision to maintain a quality approach, in accordance with PACE. Additionally, there must be monitoring to ensure that any disproportionality issues do not develop into unjustifiable patterns. Territorial and Operational Commanders are expected to monitor this to identify and address any evidence of the disproportionate use of police powers relating to all stop/search activity.

(h) Systems are in place, which provide officers with the best intelligence available to inform individual decisions.

(i) The appropriate use of stop/search is promoted internally and that the value of the tactic is understood.

(j) Clear indications are given of what is and is not an appropriate use of the power and positive support is given to officers who act lawfully and proportionately and line supervisors who challenge inappropriate behaviour.

(k) Officers have a thorough knowledge of the powers that do not require reasonable grounds (S60 CJPO Act & S43 Terrorism Act 2000)

(l) They set up systems that will produce regular analysed data on the level of disproportionality against particular powers and that this data is passed on to the Chief Constable and Police and Crime Commissioner.

(m) Any disproportionate use of the powers by particular officers or groups of officers if identified should be dealt with by the use of supportive management action. There is agreement with the local communities on what the priorities and measures of effectiveness of stop/search should be.

(n) In conjunction with the Home Office Best Use of Stop and Search Scheme 2014 communities are informed (where time constraints allow) when and why they intend to use Section 60 stop/search to deal with sensitive policing issues.

(o) Feedback is given to local communities following extensive use of stop/search, for example, using Section 60 and Section 43.

(p) All operational officers receive adequate stop/search training, particularly on their legal and procedural powers and also perceptual training.

(q) All crime analysts and members of the FIB have had adequate training.

(r) The data recorded is capable of being analysed down to individual officer level though intelligence and records management systems such as NICHE

(s) That the local process for identifying and targeting prominent local criminals for the tactical use of these powers is based on evidence and open to audit.

(t) All supervisors receive training on how to conduct briefing and how to supervise/monitor activity under this policy.

(u) That each neighbourhood or identifiable business area has an appointed Stop Search Champion, and these details are kept up to date.

Territorial and Operational Commanders are responsible for explaining the use of stop/search powers to members of their local community.

Where planned operations are likely to result in a high volume of stop/searches, community representatives should be informed in advance, subject to operational commitments. An open approach at the outset is likely to pre-empt any increase in community tension and will also allow an opportunity for representatives to be appraised of what police are aiming to achieve.
3.20.3 Operational Inspectors

All Neighbourhood and Patrol Inspectors have a responsibility to monitor the activity and patterns of stop/searches that occur in their area of responsibility.

Neighbourhood Inspectors will have access to management information updates that include data on stop/search activity by their officers. This will allow them to commend effective and fair use of powers and investigate further if there are indications of inappropriate use of powers.

They monitor any public complaints or comments concerning any officers within their command with regard to stop/search and provide feedback to officers on the results of the complaints/comments.

3.20.4 First Line Supervisors

First line supervisors are in a key position to ensure that stop/searches are proportionate, effective and lawful. (See Appendix B process chart for Supervisors)

They will ensure that:

(a) They are aware of and fully understand the Force policy on stop/search.
(b) They refresh their own knowledge on stop/search and are fully up to date on their training, particularly with regard to their supervisory and monitoring responsibilities.
(c) All officers working within their command are aware of and fully understand the Force policy on stop/search.
(d) All officers in their command have undertaken stop/search training.
(e) Frontline officers are using stop/search in line with Force intelligence and briefings as well as with Force policy and PACE.
(f) Officers are provided with the best, focused and objective intelligence available. This is necessary if they are to engage in proportionate stop/search activity.
(g) Briefing is in line with local tasking priorities. They are satisfied that frontline officers have fully understood the daily briefing; including debriefing when time permits.
(h) Emphasis is put on the quality rather than the quantity of stop/search.
(i) The intelligence value of stop/search is promoted and developed.
(j) They monitor any public complaints or comments concerning any officers within their command with regard to stop/search and provide feedback to officers.
(k) Feedback is given to the community on the progress or result of a complaint on stop/search.
(l) Stop/searches are completed in such a way as to increase public confidence.
(m) **ALL** stop/searches are properly recorded and submitted before the end of the shift, to avoid under-recording.
(n) Forms are scrutinised to ensure that they are legal and not based on negative stereotypes and weak generalisations and that all the relevant details and information is complete and correct. They should also ensure that any inappropriate behaviour is challenged and dealt with accordingly. This may include guidance, identified training needs or provision for mentoring.
(o) Supervisors should then sign the reverse of the record endorsing that the stop/search has been conducted in accordance with PACE Code A.
(p) Good work must also be praised and highlighted.
(q) Supervisors must ensure that full and comprehensive grounds are included on the stop search form.
Targets in terms of simple numbers of stop/searches conducted must NOT be set as a performance measure.

Custody supervisors also have an important role as frontline supervisors. It will be even more essential that arrests made as a direct result of stop/search powers are correctly identified as such on the custody record.

3.20.5 Operational Officers Exercising Powers

The manner in which an officer conducts a stop/search has an important and direct impact on individuals and the community. The whole encounter should be completed with civility and the person treated with dignity and respect. Search activity must be lawful, legitimate and effective leaving a positive image and inspiring confidence in Dorset Police.

Officers will ensure that they:

(a) Are aware of and fully understand the Force policy on stop/account and stop/search.
(b) When conducting stop/search they are fully compliant with the daily briefing, the Force policy and PACE.
(c) Where the activity is aimed at deterrence (i.e. under Section 60 or Section 43) it is carried out strictly in accordance with what is authorised.
(d) They have fully understood the daily briefing and that stop/search are carried out in line with intelligence and direction given in that briefing.
(e) They are fully aware of the impact that stop/search has on the community.
(f) They have undertaken stop/search training and that they have fully understood it.
(g) That they have a sound knowledge of powers and procedures, and use them objectively. It is important that the person has clearly understood the explanation and reasons for exercising the power. If not in uniform the officer must show their warrant card.
(h) That they understand and comply with legislation which impacts upon, e.g. Equality Act 2010.
(i) That they recognise that when exercising the power, not everyone stopped has to be searched. The grounds for search can cease at any time and communication skills must be used to bring the interaction to an immediate close whilst retaining mutual respect.
(j) Remember that a lack of an arrest does not indicate that the stop/search was unlawful, inappropriate or valueless. Both negative and positive interventions can yield valuable intelligence.
(k) Know the area, its crime and its offenders, together with the latest intelligence or information, but remember that past offending can never in itself provide grounds to stop/search an individual.
(l) Be mindful of forensic considerations when carrying out stop/search.
(m) Be aware that each officer is liable not only for his/her own actions but also for the actions of their colleagues. All police officers have an individual responsibility to challenge inappropriate behaviour.
(n) Always be aware of personal safety and that of others when conducting a stop.
(o) Submit an accurate record for EVERY stop/search to their line-supervisor before their end of tour of duty or within 24 hours.
(p) The use of Body Worn Video (BWV) is mandatory in all stop search encounters with the exception of strip searches for best evidence unless there are circumstances which render it impractical and if so must be recorded on the Stop Search form.
(q) The complaints procedure must be explained in all cases and recorded on the stop search form. If the procedure is not explained this must be documented on the stop search form.

3.20.6 Force Intelligence Bureau

They will ensure that:

(a) They are aware of and fully understand the force policy on stop and search/account.
(b) All intelligence is evaluated and risk assessed for racial bias and that there is no racial discrimination when identifying persistent offenders, targeted individuals and hot-spot areas.
(c) They analyse the use of stop and search, specifically in relation to:
   - Identified hot spots;
   - Targeted offenders;
   - Targeted offences; and
   - Alternative strategies.

3.20.7 Force Command and Control

They will ensure that:

(a) Information from the public is verified, as much possible, before it is passed on to operational officers.
(b) Protocols are developed for obtaining and using suspect descriptions in a way that maximises their reliability.
(c) They carry out some level of command and control in deploying operational officers, rather than just acting as messengers, specifically in relation to Section 60 and Section 43.

3.20.8 Training

Organisational Development will ensure that:

(a) Force policy and procedure on stop/account and stop/search is embedded within stop/search training.
(b) The PACE Code of Practice is available Force-wide.
(c) Training courses on stop/search suitable for all police ranks and PCSOs are available and up to date, including monitoring and supervision training
(d) All staff are aware of the training courses available.
(e) There are systems in place to monitor and evaluate the effectiveness of all stop/search training.
(f) All staff have the opportunity to give feedback on any stop/search training received, and that this is taken on board on developing further stop/search training.
(g) The community has the opportunity to be involved in stop/search training.
(h) Stop/search training includes a definition of disproportionality and its impact on community confidence.

3.20.9 Force Corporate Communications Team

They will ensure that the operational use of stop/search powers is proactively reported in the media.
GSC - Official
Handling Instructions: Suitable for Public Publication

3.20.10 Administration

Forms C314 will be retained for a period of 13 months from the date of the stop check.

3.21 Role of the Stop/Search Champion

Stop Search Champions are a vital in assisting the Organisation using Force Policy and Direction.

Each geographic section area has a dedicated Stop Search Champion, as do other specialist areas.

Champions have been selected on the basis that they are respected within their area and have a good track record of stop search, combined with a willingness to challenge poor practice and monitor performance when necessary.

They will act as the respective Section Lead offering advice on Stop Search related issues, Responsibilities will include assisting Supervisors with the checking of Stop Search Records for accuracy and compliance, ensuring that where errors are located they are corrected at source and to report any exceptions to the force lead and their Inspector.

To highlight good practice, local concerns, ideas for improvements and to ensure the communication circle is complete.

The link to the up to date list of Champions is: Stop and Search Champions

3.22 Role of the Police and Crime Commissioner

The Office of the Police & Crime Commissioner works closely with the Force to ensure that all its communities have the trust, confidence and satisfaction that are critical to policing. Where there is evidence of disproportionate use, the OPCC works with the Force to explore the reasons why. Governance is exercised through the People, Confidence and Equality Board and Deputy Chief Constable, and receives reports from the Stop Search Scrutiny Panel.

3.23 Complaints and Misconduct Procedures

To not comply with legislative requirements may constitute a breach of the Standard of Professional Behaviour and may be dealt with under the Misconduct/Disciplinary or Unsatisfactory Performance Procedures.

In these cases, there are a number of actions, which could be taken against police officers and police staff including:

3.23.1 Police Officers

(a) Management Action

(b) Misconduct Meeting leading to:
   I. Management advice
   II. Written warning
   III. Final written warning

(c) Misconduct Hearing leading to:
I. Management advice
II. Written warning
III. Final written warning
IV. Extension to Final written warning
V. Dismissal

3.23.2 Police Staff

(a) Informal management action
(b) First Written Warning
(c) Final written warning
(d) Dismissal or action short of dismissal

Any complaint about the conduct of an officer or member or Police staff during a stop/search procedure will be dealt with under the Police Reform Act 2002 as amended by the Police (Complaints and Misconduct) (Amendment) Regulations 2008. Complaints about the process will be dealt with as a direction and control issue. The civil litigation unit will deal with claims for civil redress.

If a member of the public wishes to make a complaint against the conduct of an officer, they should be advised courteously and professionally how to do so.

The officer should treat members of the public fairly and with respect. If they are unhappy with how they were treated or if they feel they were treated differently because of race, age, sexual orientation, gender identity, disability, religion or faith, they should be advised of the following:

When they make a complaint against the Police, they will be advised where to view the online OPCC leaflets relevant to making a complaint against Police.

They will be advised on how their complaint can be dealt with, either by local resolution or by investigation.

If they are not happy about the way that their complaint has been dealt with there are options to appeal to the OPCC.

They can get advice about how to make a complaint from:
- a police station;
- the Independent Police Complaints Commission;
- the Commission for Equality and Human Rights; or
- a solicitor.

3.24 External Information/Consultation

A wider public understanding of stop/account and stop/search will increase co-operation with Dorset Police and support for the tactics we use. Increased awareness will correct many of the misunderstandings within the community about the use of stop/account and stop/search and help explain to people their legal rights and entitlements.

Any person, who is subject to a stop/search under conditions governed by PACE Code A, will be given the option of a Receipt Card and a unique reference number which can be taken to a police station where it can be exchanged for a full copy of the search. This must be done within three months of the search date.
To assist with local decision-making, local statistics will be shared with the same audience. Community views about the use of powers to stop people and vehicles and feedback on initiatives will be encouraged by all levels of the organisation.

Community Safety Partnerships, the BME Police Consultation Group and Muslim Contact Group as well as the Stop Search Independent Scrutiny Group (ISG) will be consulted on the appropriate use of the tactic and how its use can support local crime and disorder reduction strategies.

Statistical information concerning complaints about the use of stop/search will be available to officers, the public and the Police and Crime Commissioner.

Professional Standards Department will have responsibility to provide the Stop Search Lead with details of relevant complaints.
4 Consultation and Authorisation

4.1 Consultation

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<td>Police &amp; Crime Commissioner</td>
<td>O.P.C.C</td>
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<td>Police Federation</td>
<td>Anthony Eggleston</td>
<td></td>
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<td>Superintendents Association</td>
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<td></td>
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<tr>
<td>UNISON</td>
<td>Ms D Potter</td>
<td></td>
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<td>Other Relevant Partners (if applicable)</td>
<td>Superintendent Matt Lawler (D &amp; C) Alliance Prevention</td>
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4.2 Authorisation of this Version

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<td>Prepared:</td>
<td>PC 1612 D FISH</td>
<td></td>
<td>19.06.18</td>
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<td>Quality assured:</td>
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<td>Authorised:</td>
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5 Version Control

5.1 Review

Date of next scheduled review | Date: 1 YEAR FROM PUBLICATION

5.2 Version History

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<td>1.0</td>
<td>14.11.2013</td>
<td>Initial Document</td>
<td>CI 1287 Duffy CI 1107 Adams</td>
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<td>1.1</td>
<td>08.12.2014</td>
<td>Compliance with new legislation and HO BUSS scheme 2014</td>
<td>Insp 626 Del Bishop PC 2754 Gary Thorpe</td>
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<td>1.2</td>
<td>07.02.2017</td>
<td>Niche Go-Live (Upgrade) Stop Search Picklist &amp; Outcomes</td>
<td>PCc 1612 Dave Fish PC 2134 David Sweeting Inspector 387 Paul Chalkley</td>
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<td>1.3</td>
<td>12.04.2017</td>
<td>Amendments to wording in 3.10</td>
<td>PC 2134 David Sweeting</td>
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<td>1.4</td>
<td>13.06.2017</td>
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<td>PC 2134 David Sweeting</td>
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5.3 Related Forms

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<td>March 2015</td>
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<tr>
<td>C314a (Revised)</td>
<td>Stop and Search Form</td>
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<td>November 2016</td>
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<td>C314b</td>
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5.4 Document History

| Present Portfolio Holder         | Superintendent Matt Lawler (D&C) |
| Present Document Owner           | Chief Insp Ash Adams 1107        |
| Present Owning Department        | Territorial Policing             |

Details only required for version 1.0 and any major amendment i.e. 2.0 or 3.0:

| Name of Board:                  | Confidence and Equality Board    |
| Date Approved:                  | 18th May 2015                     |
| Chief Officer Approving:        | DCC James Vaughan                 |
Appendix A – Stop Search Process - Officers

C314 – Stop Search Form

To supervisor for checking/signing

Correct completion of form. Officer to input via CIB and supervisor to submit to Central Records.

CIB send tasking to supervisor via NICHE RMS to sign off form electronically.

Incorrect completion of form (Missing grounds etc). Officer and supervisor discuss details of form.

Officer makes PNB entry covering missing grounds/information. Supervisor makes similar entry on OEL documenting discussion and missing information.

Original Record must not be changed or altered

Officer inputs the form via CIB and passes to supervisor to submit to Central Records.
Appendix A(1) Officers (Children and Young Persons)

Stop and Search

Reasonable grounds to suspect

Legal test
1. Officer forms genuine suspicion that the will find the object.
2. Objective basis for that suspicion

No more than Jacket Outer Coat and Gloves

Under 10 yrs

Strip search

Under 10 yrs

Presumption against search. Consider PPO. Unless unsafe, advise C2/D2 and PACE Supt prior to any search.

GOWISELY

Consider gender issues and use of force

Use of CCTV or BWV if available

Unsure to do so, consult with a Supervisor

Ethical discussion

Decision to search rests with the officer using the power

Record the search

Consider
- Strength of grounds

- Degree of vulnerability and intrusion

- Professionalism of the interaction

Ensure
- Grounds are clear
- Outcome is recorded
- Supervisor sign-off

GSC - Official
Appendix B - Stop Search Process – Supervisors

Glossary:
DMM    Daily Management Meetings
TCG    Tactical and Co-ordination Group
NICHE RMS    Niche Records Management System
I-Task    Daily briefing

Ensure street intervention activity is intelligence led and in line with NIM (National Intelligence Model)

NICHE RMS should be used to view individual officers stop search activity.

Make time to observe stop search activity personally.

Scrutinise each form for evidence of...

Proportionality

Legality

Effectiveness

Legitimacy

Disproportionate use of powers on grounds of race, religion, disability or gender must be explored and challenged.

Challenge concerns and update electronic record

Sign the form as recognition of supervision

Submit forms to central records
## Appendix C - Summary Of Main Stop And Search Powers

<table>
<thead>
<tr>
<th>Power</th>
<th>Object of Search</th>
<th>Extent of Search</th>
<th>Where Exercisable</th>
<th>Reasonable Grounds</th>
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<tbody>
<tr>
<td>Police and Criminal Evidence Act 1984 s1</td>
<td>Stolen goods; articles for use in theft, offensive weapons inc blades and fireworks, articles to cause criminal damage.</td>
<td>Persons and vehicles</td>
<td>Where there is public access</td>
<td>Yes</td>
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<tr>
<td>Misuse of Drugs Act 1971 s23</td>
<td>Controlled drugs</td>
<td>Persons and vehicles</td>
<td>Anywhere</td>
<td>Yes</td>
</tr>
<tr>
<td>Criminal Justice and Public Order Act 1994 s60</td>
<td>Offensive weapons or dangerous instruments to prevent incidents of serious violence or to deal with carrying of such items. Authorisation by Inspector or above.</td>
<td>Persons and vehicles</td>
<td>Anywhere within a locality authorised under (1)</td>
<td>No</td>
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<tr>
<td>Firearms Act 1968 s47 5</td>
<td>Firearms</td>
<td>Persons and vehicles</td>
<td>A public place or anywhere in the case of reasonable grounds of offences of carrying with criminal intent or trespassing</td>
<td>Yes</td>
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<tr>
<td>Terrorism Act 2000 s43</td>
<td>Evidence of liability to arrest under s14</td>
<td>Persons</td>
<td>Anywhere</td>
<td>Yes</td>
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Appendix D - Stop Search – Monitoring Arrangements

Heads of Command will ensure:

- Force Policy is communicated and understood by Officers under their command
- That stop/account and stop/search activity is monitored to ensure that it is informed by intelligence conducted in line with force policy.
- The patterns of the use of stop/account and stop/search within their area of command are monitored to ensure the power is exercised in accordance with PACE.
- The production of regular analysed data on stop/account and stop/search activity and the level of disproportionately against particular powers for reporting at strategic level.
- That any disproportionate use of the powers by particular officers or groups of officers is identified and that any possible discrimination or other inappropriate behaviour is addressed.
- That local communities are informed about the use of stop/account and stop/search locally.
- A member of the Command Team is nominated as Audit Officer to carry out the responsibilities set out on page 24.

The People, Confidence and Equality Team, Corporate Development at Headquarters will monitor data and disproportionately regarding and report the findings at strategic level relating to:

- Section 1 PACE – Stop/Search and Stop/Account
- Section 43 Terrorism Act 2000
- Section 60 Criminal Justice and Public Order Act 1994
- Section 23 Misuse of Drugs Act 1971
- Section 35 Antisocial Behaviour, Crime and Policing Act 2014
- Section 47 Firearms Act 1968
First Line Supervisors, on a daily basis, will ensure:

- Force Policy is understood by officers working within their command
- Every stop/account and stop/search record/form that is submitted is examined and any anomalies are dealt with appropriately.
- That records are completed for all stop/account and stop/searches conducted, to avoid under-recording.
- The stop/account and stop/search activity of each officer within their command is monitored for any inappropriate behaviour, such as discrimination, stereotyping or inappropriate generalisations. They should also ensure that any inappropriate behaviour is challenged and dealt with accordingly.
- That emphasis is put on the quality rather than the quantity of stop/account and stop/search interactions.
- Any public complaints or comments concerning any officers within their command with regard to stop/search are managed appropriately.

Operational Officers, at all times, will ensure:

- That they are fully compliant with the daily briefing and that stop/account and stop/searches are carried out in line with intelligence and direction given in that briefing.
- That they have a sound knowledge of powers and procedures and use them properly.
- That the dignity and privacy of an individual being searched is of paramount importance and must always be considered.
- That they are aware of their own prejudices and do not let them affect their professionalism or the quality of service they provide to the public.
- That they challenge any racist/discriminatory behaviour or attitudes in their colleagues and are aware of procedures that are in place for dealing with such issues.
- That they are aware of sources of information/advice available to them and of how to access them.
- They submit an accurate record for every stop/account and stop/search to their line supervisor.