

POLICY – Stop and Search

Number: A 0800

Date Published: 17 January 2020

Version 5 – January 2020

1.0 Summary of Changes

This policy has been amended on its yearly review as follows:

- Within Section 6 the frequency of scrutiny and review meetings updated and the OPFCC included;
- New paragraphs added within section 7 regarding data security and retention and disposal of records;
- Owner details updated.

2.0 What this Policy is about

The purpose of this policy is to detail the legislation and best practice guidance that governs the use of police powers when conducting stop and search.

Stop and search is the practice whereby members of the public are searched by police officers when they are suspected of possessing stolen or prohibited articles or offensive weapons, to allay or confirm suspicions about individuals without exercising the power of arrest.

This includes any instance of stop and search made under any legislative provision, not just those limited to the Police and Criminal Evidence Act 1984 (PACE). These are:

- Public Stores Act 1875, section 6
- Firearms Act 1968, section 47
- Misuse of Drugs Act 1971, section 23
- Customs and Excise Management Act 1979, section 163 & 164
- Aviation Security Act 1982, section 27(2)
- Police and Criminal Evidence Act 1984, section 1
- Sporting events (Control of Alcohol etc) Act 1985, section 7
- Crossbows Act 1987, section 4
- Criminal Justice Act 1988, section 139B
- Poaching Prevention Act 1862, section 2
- Deer Act 1991, section 12
- Conservation of Seals Act 1970, section 4
- Protection of Badgers Act 1992, section 11
- Wildlife and Countryside Act 1981, section 19
- Paragraphs 6 & 8 of Schedule 5 to the Terrorism Prevention and Investigation Measures Act 2011
- Paragraph 10 of Schedule 5 to the Terrorism Prevention and Investigation Measures Act 2011
- Paragraphs 7 and 8 of Schedule 7 to the Terrorism Act 2000
- Section 60 Criminal Justice and Public Order Act 1994

It also includes the provisions enacted under the Crime and Security Act 2010 as well as amendments to PACE Code A concerning the requirements to record such activity.

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

The use of statutory powers of search is a legitimate tactic for the detection of crime. Targeted use of these powers will be effective in identifying offenders and detecting crime through their use. The use of such powers must be focused and should be targeted in line with intelligence led policing principles.

Essex Police is committed to transparency and local accountability. Improved local monitoring, increased dialogue with communities and partners and the enhanced publication of statistics and results of local consultation are all key features of this policy. Monitoring and analysis to deliver proportionality will be conducted at Force and Local Policing Area levels.

A high quality of performance is required to ensure Essex Police meets its statutory obligations and its general duty under the Equality Act 2010 to prevent discrimination and maintain the trust and confidence of all communities.

Compliance with this policy and any linked procedures is mandatory.

3.0 Statement of Policy

The use of stop and search powers is a valuable and effective policing tactic to identify and secure the arrest of criminals. If undertaken in the correct manner such tactics will effectively reduce crime and disorder and will have a positive impact on community relations in providing a safer community.

The overarching aims of Essex Police are to ensure that across Essex, police stop and search powers are being used legally and ethically to enhance public safety, reduce crime and sustain public confidence in policing as effectively as possible.

All Stop Searches must be carried out in line with the rules set out in Code A of the Police and Criminal Evidence Act 1984 and in accordance with the principals provided by the Police Code of Ethics; accountability, fairness, honesty, integrity, leadership, objectivity, openness, respect and selflessness.

This will be achieved by:

- Employing good governance and leadership in all aspects of stop and search;
- Challenging and reducing any inappropriate disproportionality in the use of stop of search powers;
- Challenging any illegal or inappropriate use of stop and search powers;
- Improving the 'conversion rate' (to include all appropriate positive outcomes);
- Improving the timeliness and accuracy of data capture, recording and sharing;
- Improving the use of intelligence and information in the use of stop and search powers;

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- Improving the recording and use of intelligence and information gained from stop and search powers;
- Improving supervision of stop and search by developing well trained, motivated and informed officers and supervisors;
- Ensuring that anyone searched in Essex by police is dealt with courteously and professionally;
- Reducing the number of complaints from the use of stop and search powers;
- Ensuring open, transparent and well informed internal and external scrutiny of stop and search performance;
- Communicating effectively with the public, police personnel and key stakeholders about the use of stop and search powers in Essex.

4.0 Implications of the Policy

Stop and search can play an important role in the detection and prevention of crime. It may be viewed by some members of society as controversial and must be used fairly, proportionately and in accordance with the relevant legislation including the Human Rights Act 1998, the Equality Act 2010 and other relevant legislation. The potential community impact of the use of such powers should be considered on every occasion.

We recognise the manner by which searches are undertaken will be a key factor in maintaining the trust and confidence of the communities of Essex. In many instances those members of the community who are subject to stop and search powers will have no knowledge of the relevant processes or police powers governing such activity. We will ensure high quality encounters conducted with courtesy, consideration and respect of the person concerned. The officer conducting the search must give a full explanation to support the reasons for conducting such activity.

Officers are expected to show professionalism at all times by demonstrating a high standard of personal responsibility and communication skills when carrying out their powers in order to maintain the trust and confidence of the communities of Essex.

4.1 Finance / Staffing / Training / Other

Stop and search training is provided to probationary officers during initial training and refresher training will be provided at intervals throughout their career through the use of e-learning, defensive skills training and operational training days.

Having due regard for the provisions of the Equality Act 2010 Essex Police will seek to publish the results of monitoring and consultation. This will include a summary of responses and outcomes.

When sharing Police stop and search data with local consultation groups, such as Independent Advisory Groups (IAG), Public Scrutiny Panels and other community groups, any document giving statistical information should be marked with the following notice:

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“These figures may be subject to revision due to the way in which Essex Police collates certain data. If you, or your organisation, are legally bound to respond to requests for information made in accordance with the Freedom of Information Act 2000, any information provided to you by Essex Police is subject to potential disclosure.

Should you receive a request for the information contained within this document, in accordance with the recommendations set out in the code of practice under section 45 of the Act; Essex Police require that you liaise with its own Freedom of Information Officer prior to any disclosure being made”.

4.2 Risk Assessment(s)

This policy is compliant with the requirements of health and safety legislation and internal health and safety procedures. The risk assessment will be reviewed annually.

4.3 Equality Impact Assessment

- EIA - Equality Impact Assessment

5.0 Consultation

The following have been consulted during the formulation of this document:

- Federation / Unison;
- Equality and Diversity Co-ordinator / Manager;
- Health & Safety / IAGs;
- Staff Networks.

6.0 Monitoring and Review

Monitoring and analysis of Police Stop and Search performance data takes place at force level during quarterly Strategic Assessment and Review meetings held by the OPFCC and Assistant Chief Constable, ensuring internal scrutiny of the use of stop and search powers.

This policy will be reviewed by or on behalf of the Head of Local Policing Support Unit every year to ensure it remains consistent with current legislation.

7.0 Related Force policies or related procedures

- A 0801 Procedure – Stop and Search
- A 0802 Procedure – Section 60-60AA – Best Use of Stop and Search Scheme
- A 0603 Procedure – Ride Along Scheme and Lay Observation

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7.1 Data Security

Essex Police have measures in place to protect the security of your data in accordance with our Information Management Policy – W 1000 Policy – Information Management.

7.2 Retention & Disposal of Records

Essex Police will hold data in accordance with our Records Review, Retention & Disposal Policy – W 1012 Procedure/SOP - Records Review, Retention and Disposal.

We will only hold data for as long as necessary for the purposes for which we collected. Victims/public should be reminded that Essex Police take the protection of personal data seriously as described in the privacy notice <https://www.essex.police.uk/hyg/fpnessex/privacy-notice/>.

8.0 Other source documents, e.g. legislation, Authorised Professional Practice (APP), partnership agreements (if applicable)

- PACE 1984
- Police Visual Handbook - Powers and Procedures – searches
- EIA - Equality Impact Assessment
- APP – Stop and Search, College of Policing