



Home Office

User guide to:

Police powers and procedures,
England and Wales

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1 Introduction

This user guide is designed to be a useful reference document with explanatory notes on the issues and classifications that are key to the production and presentation of the Home Office's annual statistical release [Police powers and procedures, England and Wales](#).

Statistics covered

The series provides information on the use of various police powers recorded by police forces in England and Wales, including:

| Chapter | Content | Coverage |
|--|--|---|
| Arrests | <ul style="list-style-type: none"> - Arrests for notifiable offences carried out by the police, on a <i>financial year</i> basis | England and Wales (exc. BTP) |
| Stop and search | <ul style="list-style-type: none"> - Stops under s 1 of the Police and Criminal Evidence Act 1984 (PACE), and associated legislation - Stops under s60 of the Criminal Justice and Public Order Act 1994 - Stops under s44/47A of the Terrorism Act 2000 - All data are published on a <i>financial year</i> basis | England and Wales (inc. BTP from 2009/10 onwards. Excludes GMP) |
| Best Use of Stop and search | <ul style="list-style-type: none"> - Outcomes of stop and search - Whether outcomes are linked to initial reason for stop - All data are published on a <i>financial year</i> basis | England and Wales (inc. BTP) |
| Other PACE powers | <ul style="list-style-type: none"> - Detentions - Intimate searches - Road checks - All data are published on a <i>financial year</i> basis | England and Wales (exc. BTP) |
| Fixed penalty notices (FPNs), and other outcomes | <ul style="list-style-type: none"> - Fixed penalty notices and other outcomes (driver retraining, court action) for motoring offences, on a <i>calendar year</i> basis | England and Wales (exc. BTP) |
| Breath tests | <ul style="list-style-type: none"> - Breath tests used to screen for alcohol, on a <i>calendar year</i> basis | England and Wales (exc. BTP) |
| Detentions under section 136 of the Mental Health Act 1983 | <ul style="list-style-type: none"> - Detentions under section 136 of the Mental Health Act 1983 on a <i>financial year</i> basis | England and Wales (inc. BTP) |
| Detentions under section 135 of the Mental Health Act 1983 (Experimental Statistics) | <ul style="list-style-type: none"> - Detentions under section 135 of the Mental Health Act 1983 on a <i>financial year</i> basis | Partial (data from a subset of forces) |
| Pre-charge bail (Experimental Statistics) | <ul style="list-style-type: none"> - Number of individuals released on pre-charge bail following an arrest, broken down by bail length, on a <i>financial year</i> basis | Partial (data from a subset of forces) |

Statistics from other data sources may be referenced in the release (for example the recorded crime series). Where this is the case, links to data sources are made in the relevant sections of the release.

2 Data Quality

Quality Assurance

All the data received by the Home Office undergo a strict quality assurance process to ensure the data are fit for purpose and published to the highest possible standard. Any data quality issues are flagged and resolved with forces. Before publication, data are sent back to forces for verification. Details of any known data quality issues are included in the relevant part of the bulletin, and/or data tables. Any substantial revisions to the dataset are flagged in the 'revision analysis' section in each release.

The section below considers the process before the data are submitted to the Home Office. It outlines the strengths and limitations of each dataset. Where there are limitations, the implications of these in terms of uses of the data are outlined. The strengths and limitations of the data vary from force to force depending on specific internal data collection and quality assurance procedures.

The quality of each dataset is described below. This is based on assessments by Home Office statisticians and considers the scale of any quality issues, how well known these issues are, and how the data are used. Each dataset is assessed as one of the following categories:

- High – there are few issues with the data, and they can be used with confidence. Limitations of the data are known, along with the likely impact of them.
- Adequate – the data have some known limitations, and these should be considered when using them. However, these are known, and the data are fit for purpose.
- Low – there are significant data quality issues, and/or in some cases the limitations of the data are not fully known. The data should be used with considerable caution.

Arrests

Strengths:

Under the code of practice for the Statutory Powers of arrest (see [PACE Code G](#)), arresting officers are required to record details of an arrest at the time of arrest, or as soon as possible thereafter. This ensures that arrest details are recorded as accurately and in as timely a manner as possible, reducing the risk of records being missed.

Having a universal code of practice helps to ensure that arrests are standardised across forces, both in terms of the processes involved, and the data recorded.

Forces use arrest records to inform custody records which are used for a number of administrative purposes, including processing arrestees and monitoring performance. It is essential for forces' operational needs that they keep these records up to date.

Police forces have their own internal auditing methods to ensure the data are accurate and up to date before sending data to the Home Office. Custody Sergeants are also employed in police stations to ensure that those brought into custody are processed in line with the code of practice. This includes the recording of the relevant data which feeds into this dataset.

| Limitations | Implications |
|--|---|
| Due to the transition to fraud offences being reported to Action Fraud, some forces initially excluded fraud arrests from 2013/14 onwards. This was resolved in most cases, but it is possible that a small number of cases may still be excluded. | The number of fraud arrests for 2013/14 onwards is likely to be a slight undercount, although most forces were able to resubmit data to resolve this issue. |
| The self-defined ethnicity of the person arrested is recorded according to the ethnicity stated by the arrestee at the time of arrest. | In a small number of cases, the self-defined ethnicity may not be the same as the actual ethnicity of the arrestee. |
| Where an individual is arrested for multiple offences at the same time, only the most | The figures relate to the total number of persons arrested on separate occasions, not the total number of offences for |

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| serious offence is recorded. | which an arrest was made. For less serious offences the number of persons arrested is likely to be less than the number of arrests. |
| For some forces, an arrest will only be recorded if an individual is taken to a custody suite and a custody record is created. | The number of recorded arrests is likely to be lower than the total number of arrests. For example, in cases where an individual is arrested and then de-arrested before being taken in to custody, this may not be recorded. |
| Forces categorise the reason for arrest based on the reasons included in their custody system. This list can differ between forces, and in some cases different forces may categorise arrests in different ways. | Data on the reasons for arrest may not be perfectly comparable across forces. However, the impact of this is likely to be small, as most cases are relatively straightforward to categorise. |

Where a person has been arrested for one or more notifiable offence on the same occasion, forces are asked to record the arrest against the offence with the highest maximum penalty (the primary arrest). However, Devon and Cornwall Police, Kent Police and North Wales Police are unable to separately identify the primary arrest in a series of reasons for arrests. Due to this, these forces' data includes all arrests for notifiable offences and are not directly comparable with other forces.

Summary – The arrest data are generally of a **high** standard and have very few long-term or current issues. As forces regularly use the data to process persons who come into custody, it is in their own interests to ensure the data come from a reliable and accurate source.

Stop and search

Strengths:

Under the code of practice for the Statutory Powers of stop and search (see [PACE code A](#)), officers are required to make a record of the details of a stop and search at the time of the encounter (where appropriate). On request, they may be required to give a copy of the record to the person searched. This requirement reduces the risk of a stop and search going unrecorded.

Having a universal code of practice helps to ensure that arrests are standardised across forces, both in terms of the processes involved, and the data recorded.

The [Best Use of Stop and Search Scheme](#) (set up in 2014) requires forces to comply with a number of conditions designed to improve transparency around stop and search. This includes improved data recording. Forces that don't meet the requirements face the risk of being suspended from the scheme.

Forces' use and recording of stop and search are monitored by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS). HMICFRS carries out regular inspections and produce reports on the inspections.

A number of forces are moving towards electronic recording of stop and search encounters. This ensures that data are quickly and accurately transferred to force systems. However, this does also present challenges in terms of training officers to record stops in a consistent and to provide complete records.

Some forces publish stop and search data to increase transparency and accountability, as well as to monitor performance. This demonstrates a need for forces to have accurate and reliable data.

| Limitations | Implications |
|--|--|
| Some forces use paper records to record encounters. These are more likely to involve recording errors, or may not be uploaded into force systems in a timely manner. | The number of stops and searches may be undercounted in some forces. In some forces, there may be a time-lag between the search happening and being uploaded onto the force system. In particular, searches that occurred towards the end of a financial year may not be recorded on force systems until the following year. |
| Despite the requirement to do so, there may | The search totals may be undercounted, and some details |

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| be some cases where an officer may not record an encounter, or may not record key details. | (such as ethnicity) may be missing. However, this is likely to be rare. |
| A stop and search may be conducted for a number of reasons (see PACE code A). Where officers are unsure of exactly what search reason the search should come under, they may record in the wrong group. | The exact breakdown of the reason for search may have some inaccuracies. In particular there may be an over count of the number of searches for 'other' reason. |
| The self-defined ethnicity of the person arrested is recorded according to the ethnicity stated by the arrestee at the time of arrest. | In a small number of cases, the self-defined ethnicity may not be the same as the actual ethnicity of the person stopped. |
| The transition to electronic systems may cause some data quality issues e.g. missing data on the ethnicity of the person stopped, or reason for the search. | Some forces may have large numbers of cases where the ethnicity of the person or the reason for the search is unknown in a given year. |

Summary – The stop and search data are of **high** quality and any issues are likely to have a minimal impact on the data quality. The recording of stop and search is improving in line with the introduction of the Best Use of Stop and Search Scheme, HMIC inspections, and improved recording methods within forces. The data are easily accessible and regularly used by forces.

Best Use of Stop and Search

Strengths:

On 30 April 2014, the [Best Use of Stop and Search Scheme](#) was announced. This required forces to comply with a number of conditions such as recording a broader range of stop and search outcomes and whether there was a link, or lack of one, between the reason/object for the search and its outcome. The aims of the scheme were to:

- achieve greater transparency around how stop and search is used
- improve community engagement and involvement in the use of stop and search powers
- develop a more intelligence-led approach to the use of stop and search
- encourage accountability in the police use of stop and search powers

Forces that don't meet the requirements face the risk of being suspended from the scheme.

Aggregate figures provide a limited view on the effectiveness of stop and searches. Forces adopting the scheme will therefore provide the public with a richer picture of how their use of stop and search powers is enabling them to tackle crime, and how well individual officers are using their 'reasonable suspicion powers' to target suspects with prohibited items in their possession.

Data on the [Best Use of Stop and Search Scheme](#) were collected on a voluntary basis for the first time in 2015/16. Further information on these data can be found in the 2015/16 Police Powers and Procedures statistical bulletin. In 2017/18, all forces in England and Wales were signed up to the scheme.

As well as the strengths and limitations listed above in the Stop and Search section, data collected on the [Best Use of Stop and Search Scheme](#) also present the following limitations:

| Limitations | Implications |
|---|---|
| A change to police force systems is required to record a broader range of outcomes; some forces have not yet changed their systems to fully capture the wider range of outcomes. | Several forces have stated the 'no further action' category also includes a small number of cases where the outcome is unknown. |
| A change to police force systems is required to record whether the reason/object for search is linked to the arrest (or other outcome); some forces have not yet changed their systems fully capture whether a link was | Some forces have provided a large number of cases where whether the reason/object for search is linked to the arrest (or other outcome) is unknown. Therefore, the data presented are likely to be an undercount of the proportion of stop and searches where the reason for stop was linked to |

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| present or not. | the outcome. |
| The roll-out of mobile devices to record stop and search has led to inconsistencies in the way officers record outcomes following a stop and search. | Some forces reported that officers had chosen multiple or contradicting outcomes on the mobile device. Where this could not be resolved the Home Office used estimation methods to calculate the percentage of linked outcomes. |

Summary – These data are of **medium** quality. Some forces currently have difficulties in recording all of these data. However, the recording of stop and search is improving in line with HMICRS inspection and improved recording methods within forces.

Other PACE powers

Strengths:

The powers in this section are only used by forces in exceptional circumstances.

Data on warrants for further detention are also collected by the relevant courts. This allows data to be cross referenced between two sources.

| Limitations | Implications |
|--|--|
| Some forces have difficulty extracting these data as the methods for recording and extracting these datasets are not well established. | Some forces provide limited data, and others provide no data. Therefore, the data presented are likely to be an undercount of the use of these powers. |
| Many forces use manual processes to record these data. | Some cases may not be recorded which could lead to an undercount of the figures. |

Summary – The data provided in this section are often limited. Where data are provided, they are considered to be of **adequate** quality. Although the level of quality assurance for these data is less than other areas in the publication, this is deemed proportional to the use of these data.

Fixed penalty notices (FPNs) and other outcomes following motoring offences (FPNs)

Strengths:

The data collected come directly from a national police database (PentiP). For HM Courts and Tribunals Service (HMCTS) to process payments for FPNs, the details must be taken from the PentiP system.

As the data are collected and processed centrally, the data are processed in a consistent way which ensures the data are mostly comparable between forces. However, some forces have joint ticketing offices, where all (or most) FPNs are recorded under one force only, and a number of forces (North Wales, South Wales, Gwent, North Yorkshire, Nottinghamshire and Derbyshire) do not record all outcomes on the PentiP system. Furthermore, there is a cleansing process which means that some FPNs (particularly cancelled FPNs) can be removed from the PentiP system from 6 months after being recorded. For that reason, after publication in the main release the figures become fixed, and revisions are not made to data from previous years in subsequent releases.

As the data are collected in a central database, any issues can be resolved at a central point of contact in a consistent manner.

| Limitations | Implications |
|--|--|
| In 2011, the PentiP system was introduced to record FPNs. | Data from 2011 onwards are not directly comparable with older years (available in previous editions of this bulletin). |
| Although forces may validate their data internally, there are no specific quality assurance processes carried out by the PentiP team before the data are sent to the | Data put on the system by forces are assumed to be correct, as this is important in effectively processing FPNs. For example, when issuing a driver with a fine, the details should be correct, as any incorrect details are likely to be queried. |

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| Home Office. | However, the Home Office has no way of verifying individual cases. |
| Data on other outcomes, such as the driver retraining and court action data, are not recorded consistently by all forces. | Comparisons between forces for outcomes other than FPNs are more difficult to make, Furthermore, as this is an administrative dataset used by police forces, amendments can be made to the system, which may be done differently across forces. |

Summary – The data on motoring offences resulting in FPNs are of **high** quality, whereas the data on other outcomes (such as driver retraining courses) are of **medium** quality. The data are collected by a central system which is managed and maintained by an external company, and the Home Office received a cut of the data each year.

Breath tests

Strengths:

Several forces are moving towards the electronic recording of breath tests. This means that data are uploaded onto force systems immediately, and there is less risk of inaccuracies.

The data show the total number of breath tests and the total number positive/refused. These figures are unlikely to be affected by any substantial data quality issues, which might be expected when looking at more detailed breakdowns of breath tests.

| Limitations | Implications |
|---|---|
| Some forces use paper records to record breath tests. | Increased risk of inaccuracies in the data put onto the system and in some cases could lead to undercounting of the figures. |
| Some forces operate collaborative road policing units. In such cases, breath tests conducted by an officer for one force may be recorded by another force. | Data on the number of tests conducted by a particular police force may be slightly inaccurate. This will only affect a small number of tests and will not affect the national picture. |
| There may be cases where the result given by a breath test is incorrect. This will not be reflected in the figures. | The figures will show the number of positive/refused breath tests at the time of conducting the test, but will not show whether the person was above the legal drink driving limit. |
| Records are not uploaded onto systems immediately, and in some cases may not be uploaded at all. This is more likely for negative breath tests which have a limited administrative purpose. | Some breath tests (particularly negative tests) may not be entered into the system. This could lead to an undercounting of breath tests, and an inflated proportion of positive/refused breath tests. |

Summary – the data are considered to be of **adequate** quality. The data are subject to some under-reporting of breath tests, in particular when the result is negative. This is particularly relevant for forces that do not operate electronic devices.

Detentions under the Mental Health Act 1983

Strengths:

Data on detentions under the Mental Health Act were collected on a voluntary basis for the first time in 2015/16, when 15 forces submitted data. Since 2016/17 at least 41 of the 43 forces in England and Wales have been able to provide data.

| Limitations | Implications |
|--|---|
| Some forces struggle to provide further breakdowns of detentions under section 136 | Though the total number of section 136 detentions are thought to be of good quality, some forces were unable to |

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| of the Act. | provide reliable breakdowns by age, gender, or ethnicity. Estimation methods have been used in some cases, however, many cases have been placed in the “not known” categories. This also applies to the categories for the reasons for using a police vehicle, and reasons for using a police station. |
| Many forces struggle to provide accurate information on detentions under section 135 of the Act. These detentions involve mental health professionals and the data are often held by the NHS rather than the police. | Due to the provisional and incomplete nature of this dataset, these statistics have been designated as Experimental Statistics, to acknowledge that further development will take place in the coming future. The Home Office is working with forces to understand the issues they face with this data collection, and will consider whether any changes to the data return requirement are needed. |

Summary – Data on detentions under section 136 of the Act are thought to be of **high** quality at the aggregate level, and **medium** to **high** quality when considering further breakdowns. Data on detentions under section 135 of the Act are thought to be of **low** quality, and have therefore been designated as **Experimental Statistics**. The Home Office is working with forces to understand the issues they face with this data collection, and will consider whether any changes to the data return requirement are needed.

Pre-charge bail

Strengths:

Data on the number of pre-charge bails were collected on a voluntary basis for the first time in 2017/18, data were received from 17 of the 43 forces in England and Wales. In 2018/19 41 forces were able to provide data and in 2019/20 40 forces were able to provide data.

| Limitations | Implications |
|--|---|
| Some forces are only able to provide the period to which the initial bail was granted. | Individuals are given a 'bailed to' date stating the period on which they're bailed for. Some forces are not able to capture that actual date the bail finished when an individual has their bail cancelled prior to that 'bailed to' date. Therefore, some forces are only able to count the period in which the initial bail was granted for. This may inflate bail length periods. |

Summary – Data on the number of pre-charge bails are thought to be of **low** quality, and have therefore been designated as **Experimental Statistics**. The Home Office is working with forces to understand the issues they face with this data collection, and will consider whether any changes to the data return requirement are needed.

Data quality summary

Once the data are received by the Home Office, a number of quality assurance checks are undertaken by statisticians to ensure that the data meet the highest possible standard. While all datasets undergo a thorough QA process, the level of quality assurance varies according to factors such as the profile of the dataset, the likelihood of error, and what the data are used for. Data that are widely used and inform important and high-profile decisions will undertake the highest level of quality assurance. Other data will undergo a more limited, but proportionate level of quality assurance. This ensures that the data are fit-for-purpose in terms of the individual uses of each dataset. The quality assurance checks include looking for things such as:

- Missing/incomplete data
- Inconsistencies in the data
- Extreme values

Once these checks have been complete, Home Office statisticians undertake trend analysis to look for unusual or unexpected trends in the data. Any inconsistencies or unusual trends are flagged with forces, who are requested to either explain the trends, or resubmit amended data.

Missing data

Forces have a statutory requirement to submit the data in this series to the Home Office, via the Annual Data Requirement (ADR). There may, however, be some cases where forces are unable to provide the data required, for example if they have issues with their recording systems. Where this is the case, the Home Office aims to work closely with forces to find solutions. If data are missing, this is highlighted in the relevant table and/or text. Where appropriate, estimates are sometimes calculated based on partial or previous data from a force.

Uses of the data

The statistics produced in the series are used by a range of users to monitor the use of police powers in England and Wales. Specific uses of the data are listed below.

Informing the general public – the statistics are used by the media, which in turn informs the public about the trends in the use of various police powers. Information on the statistics is also routinely to respond to Parliamentary Questions and Freedom of Information requests.

Policy making and monitoring – the statistics are used by policy areas to monitor the effectiveness of police powers to ensure they are being used fairly and effectively. They help identify which demographic of people are most subject to various police powers and monitor the use of different powers over time. The data are also used to inform discussion around the allocation of police resources.

Third parties – the statistics are used by a range of third parties from civil liberty groups, to academics.

Informing public marketing campaigns – breath test statistics are used to measure the effectiveness of drink-drive campaigns by police forces.

Other statistical publications – the data feed into a number of other statistical bulletins which are designed to monitor the effects of the criminal justice system on individual from various demographic backgrounds. The Ministry of Justice (MoJ) produce three statistical bulletins which draw on the arrests and/or stop and search data published in this series. These are:

- [Race and the criminal justice system](#)
- [Women and the criminal justice system](#)
- [Youth justice statistics](#)

The Welsh Government also use the FPN and breath test data to publish their [Motoring offences](#) report.

Inspections and auditing –HMICFRS use the data when carrying out inspections on the way in which police forces use and record data on a number of police powers. Specifically the data have fed into a number of [police effectiveness, efficiency and legitimacy \(PEEL\) inspections](#).

National and international comparisons – as well as allowing for comparisons between forces in England and Wales, when the data are used in conjunction with other datasets, comparisons may be made with other areas. In particular the [Scottish Government](#) and the [Police Service of Northern Ireland](#) publish a range of statistics relating crime and justice. Caution should be taken when making comparisons between datasets, as they may not be directly comparable due to differences with both what and how the data are collected.

Where are the latest published figures?

Dates of future releases are pre-announced on the [statistics: release calendar](#) on GOV.UK.

Home Office statistical releases in the [Police Powers and Procedures](#) series are available on the GOV.UK website. Prior to 2007/08 these data were published by the Ministry of Justice. Data for earlier years can be found on the [Police Powers and Procedures archive](#) page.

Feedback and enquiries

We welcome feedback on the statistics. Enquiries should be made by writing to:

Crime and Policing Analysis
Home Office
2 Marsham Street
London
SW1P 4DF

Press Office
Home Office
2 Marsham Street
London
SW1P 4DF

Home Office Responsible Statistician

John Flatley, Programme Director Crime and Policing Statistics

Contact via crimeandpolicestats@homeoffice.gsi.gov.uk if you have any statistical comments or need any assistance in accessing the data.

'Police Powers and Procedures, England and Wales' is designated as 'National Statistics', a subset of official statistics which have been granted accreditation by the UK Statistics Authority. National Statistics are produced to high professional standards set out in the Code of Practice and undergo regular quality assurance reviews to ensure that they meet customer needs. They are produced free from political interference.

3 User engagement

Ongoing user engagement

In addition to the user survey, the Home Office continues to engage with key users of the statistics to ensure they continue to meet user needs. These users include policy and research officials and other government departments (such as the Ministry of Justice and Department for Transport) The Home Office also regularly works with data providers to ensure the data are fit-for-purpose and are put together in a way that suits user needs.

Feedback is always welcome on the future direction of the statistics. Any feedback should be emailed to CrimeandPoliceStats@homeoffice.gsi.gov.uk.

Responses to user feedback/engagement

Following the results from the user survey (2012/13) and a number of discussions with key stakeholders and users of the data, the Home Office made a number of changes to improve the release to better meet user needs. The changes include:

- providing instructions on how to view and use ODS files in the detail section of the data tables
- improve the presentation of the data tables to make them more user friendly
- provide stop and search, and arrest data in an open data format to ensure the data are easily accessible for users.
- making the publication more timely. Previously data were published more than a year after the period to which they referred. Home Office statisticians worked with data providers and the data collection team to bringing the publication forward by 6 months. The data are still quality assured to the same high standard.
- providing extra analysis on the data, for example, additional analysis on the proportionality of stop and search was provided for the 2014/15 publication.
- looking at links between different data collections, both within the publication and additional sources. For examples, links can be made between the number of stops and searches and the total number of arrests, as well as the number of drug seizures. Caution should be taken when interpreting such comparisons, due to differences in the way data are collated.

4 Glossary

Arrest – This refers to the power of police officers to deprive a person of his or her liberty in relation to the investigation and prevention of crime. Police officers have the power to arrest anyone who has committed an offence, is about to commit an offence, or is in the act of committing an offence. They also have the power of arrest when a person is suspected of involvement in an offence.

Breath test – Test conducted by the police to determine whether motorists are driving with alcohol in their body, beyond the prescribed limit.

Burglary – When a person enters any building as a trespasser and with intent to commit an offence of theft, grievous bodily harm or unlawful damage. Burglary does not necessarily involve forced entry; it may be through an open window, or by entering the property under false pretences (e.g. impersonating an official). Burglary does not cover theft by a person who is entitled to be in the dwelling at the time of the offence. The dwelling is a house, flat or any connected outhouse or garage. Common areas (e.g. hallways) are not included.

Calendar year – Twelve months ending 31 December.

Caution – A caution may be given by the police when there is sufficient evidence for a **conviction** and it is not considered to be in the public interest to instigate criminal proceedings. **Offenders** must admit guilt and consent to a caution in order for one to be given.

Charge – A formal accusation by the police that a person has committed a criminal offence.

Conviction – When a person is found guilty of an offence in a court.

Counting rules – Instructions issued to the police by the Home Office on how the police should count and classify crime. Figures on **arrests** in this publication are based on the counting rules that came into force on 1 April 1998. These rules were updated following the introduction on 1 April 2002 of the National Crime Recording Standard devised by Association of Chief Police Officers in collaboration with Home Office statisticians. The latest [counting rules](#) are available on GOV.UK.

Criminal damage – Criminal damage results from any person who without lawful excuse destroys or damages any property belonging to another, intending to destroy or damage any such property or being reckless as to whether any such property would be destroyed or damaged.

Crown Court – The courts at which **indictable offences** are heard and **triable-either-way offences** may be heard.

Dangerous instruments – Defined in the Criminal Justice and Public Order Act 1994 as instruments which have a blade or are sharply pointed.

Detention under PACE – Police officers have the power under **PACE** to detain suspected offenders for up to 36 hours. Police officers also have the power to detain persons for up to 96 hours if they apply to magistrates for a warrant of further detention.

Endorsable fixed penalty notice – See **fixed penalty notice (FPN)**.

Financial year – Twelve months ending 31 March.

Fixed penalty notice (FPN) – Offered to motorists to avoid prosecution for various motoring offences (for example speeding, neglect of traffic directions and using a mobile phone while driving) by paying a prescribed financial penalty. FPNs can be **endorsable** (accompanied by points on a driving licence) or **non-endorsable** (with no points added).

Fraud – For offences prior to 15 January 2007, fraud is defined as dishonestly deceiving to obtain either property or a pecuniary advantage. For offences after 15 January 2007, fraud is defined as dishonestly making a false representation to obtain property or money for themselves or another.

Going equipped – An offence under section 25 of the Theft Act 1968, in which a person is in possession of an article for use in the course of, or in connection with, a burglary or theft.

Government Office Region (GOR) – The primary classification for the presentation of regional statistics since 1996. GORs closed on 31 March 2011 but the regional level geography has been retained for statistical purposes. The former GORs are now simply referred to as 'regions'. There are nine regions in England: North East; North West; Yorkshire and the Humber; East Midlands; West Midlands; East of England; London; South East; South West. Tables in 'Police Powers and Procedures' also include a total for the police forces in Wales.

Indictable offence – These offences are the most serious breaches of criminal law, and must be tried at the Crown Court.

Intimate search – Searches by police under **PACE** of a person's body cavities when suspected of hiding drugs or offensive weapons upon their person. They may only be carried out if there are reasonable grounds for believing that a person who has been arrested and is detained may have concealed anything which could be used to cause physical injury; also, in the case of suspected couriers or dealers only, a Class A drug (as defined in the Misuse of Drugs Act 1971). In the case of searches for drugs, a registered doctor or nurse can carry out the search. Searches for harmful articles are conducted by suitably qualified people. If this is not practicable, a constable will carry out the search.

Magistrates – Judicial officers at **magistrates' courts** with limited law enforcement and administration authority.

Magistrates' court – The lower level of court in England and Wales which deals with **summary offences**. A magistrates' court is presided over by a tribunal consisting of two or more (most commonly three) justices of the peace or by a district judge (formerly known as a stipendiary magistrate), and dispenses summary justice, under powers usually limited by statute. The maximum prison sentence that can be imposed at a magistrates' court is six months.

Motor vehicle – The term motor vehicle in this bulletin means a mechanically propelled vehicle intended or adapted for use on roads and includes motorcycles, motor scooters, mechanically propelled invalid carriages, road rollers and tractors.

Non-endorsable fixed penalty notice – See **fixed penalty notice (FPN)**.

Notifiable offences – Crimes which are recorded by the police that they are required to the Home Office. Also known as **recorded crime**.

Offender – A person found guilty or **cautioned** for breaking the law.

Other offences (offence group for arrests statistics) – Includes **recorded crime** offences not covered by the other arrests categories. Examples of offences included in the category are public order offences, immigration offences, public health offences and perverting the course of justice. For a full list of offences included in the category see **counting rules**.

Offensive weapon – Defined in the Police and Criminal Evidence Act 1984 as any article made or adapted for use for causing injury to persons (or intended by the person having it with him for such use by him or by some other person).

PACE – Refers to the Police and Criminal Evidence Act 1984, which instituted a legislative framework for the powers of police officers in England and Wales to combat crime, as well as providing codes of practice for the exercise of those powers.

Penalty Notice for Disorder (PND) – On-the-spot fines issued by the police for some minor offences:

mostly disorder offences such as being drunk and disorderly, wasting police time and littering. Accepting a PND for an offence is not an admission of guilt and does not appear on a person's criminal record.

PentiP – National system for the collection and reporting of data on **fixed penalty notices**.

Place of safety – Under section 135 and section 136 of the Mental Health Act 1983 a person can be removed to a “place of safety” by a police officer. A place of safety is typically a hospital or another health facility where mental health services are available. Under 135(6) of the 1983 Act a place of safety can also include residential accommodation provided by a local social services authority under Part III of the National Assistance Act 1948, a police station or any other suitable place the occupier of which is willing temporarily to receive the patient.

Population figures – Some of the tables and graphs in this release use population figures to calculate the number of arrests, searches and breath tests per 1,000 population. The population figures used are mid-2019 population estimates provided by the Office for National Statistics.

Pre-charge bail – is granted by the police under PACE to individuals that have been arrested on suspicion of a criminal offence, but where there are no grounds to keep them in detention while the investigation continues.

Recorded crime – Police recorded crime covers crimes which are recorded by the police and which are notified to the Home Office. All **indictable** and **triable-either-way offences** are included together with certain closely associated **summary offences**. Attempts are also included. The latest recorded crime (notifiable offence) list is included in the [counting rules](#) on GOV.UK.

Road check – The police power under **PACE** to block roads and search vehicles for persons suspected of intending to commit, committing or witnessing an **indictable offence**, or who are unlawfully at large. **The collection of road checks data was discontinued following the 2016/17 release of the bulletin.**

Robbery – An incident or offence in which force or the threat of force is used either during or immediately prior to a theft or attempted theft.

Screening breath test – A preliminary **breath test** conducted at the roadside (or similar location).

Section 135 – Under section 135 a magistrate may issue a warrant, on application by a mental health professional, authorising a police officer to enter specific premises in respect of a mentally disordered person, believed to be in need of care or control, and to remove that person from those premises if necessary. Incidents are only recorded by the police under section 135 if an officer enters a private premise in execution of the warrant (including by force if necessary) and/or removes the person from the premises to a place of safety in accordance with the terms of the warrant.

Section 136 – Under section 136 of the Act a police officer may remove a person from any place, other than a private dwelling, to a place of safety if, in the officer's judgement, that person appears to be suffering from mental ill health and needs immediate care or control, in the interests of their safety or that of others. The maximum period for which a person can be detained at a place of safety under sections 135 or 136 is usually 24 hours, with the possibility of this period being extended by a further 12 hours in specific circumstances.

Sexual offences – Prior to May 2004 there were 15 separate offences included in the recorded crime sexual offences group including the offences of rape and indecent assault. The Sexual Offences Act 2003, which came into force in May 2004, introduced several new offences and repealed some of those which were previously in the series.

Stop and search – Statutory powers exist under the Police and Criminal Evidence Act (PACE), Code A for a police officer to search a person or vehicle without first making an arrest. Other police powers not under PACE include stops and searches in anticipation of violence (under section 60 of the Criminal Justice and Public Order Act 1994) and searches of pedestrians, vehicles and occupants (under sections 44(1) and 44(2) of the Terrorism Act 2000). Searches for drugs are still permitted by

the Misuse of Drugs Act 1971 and those for firearms under the Firearms Act 1968.

Summary offence – These offences can be heard at **magistrates' courts** only and have a maximum penalty of six months' imprisonment.

Triable-either-way offence – These offences may be tried either at the **Crown Court** or a **magistrates' court**.

Vehicle Defect Rectification Scheme (VDRS) – Refers to the voluntary scheme introduced by police forces between 1982 and 1987, whereby police officers issue VDRS notices to motorists where a vehicle is found in a defective condition. Once the form is issued, the motorist must rectify the defect and submit the vehicle for inspection by an approved garage to avoid prosecution. The result of the inspection is endorsed on the form, which must be returned to the police within 14 days otherwise the motorist will be prosecuted. Alternatively, the driver must scrap the vehicle and produce evidence of this to the police to avoid prosecution. As explained in section 7, this collection was withdrawn in 2009.

Vehicle-only searches – Searches of unattended vehicles conducted by the police.

Violence against the person – Includes serious violent offences where the injury inflicted or intended is life threatening, and offences resulting in death, regardless of intent. The offence group also includes offences involving less serious injury. It also includes certain offences that involve no physical injury, and some involving serious intent.

Warrant of further detention – Where the police need to detain a person beyond 36 hours an application must be made at a **magistrates' court**, which can issue a warrant of further detention up to 36 hours. Further extensions can be applied for, but any extension granted cannot exceed 36 hours or permit the total period of detention to exceed 96 hours.

5 Conventions and revisions

Rounding

Data are mainly provided unrounded in the data tables of the 'Police Powers and Procedures' release. This is to promote transparency and allow users to exploit the data further.

However, caution should be taken when comparing small differences between time periods; while care is taken in collecting and collating all the information obtained, the figures are subject to the inaccuracies inherent in any large recording system and are not necessarily accurate to the last digit.

If data are published in a table in a rounded form, the footnotes to that table explain the reasons for doing this.

Percentages are rounded to the nearest per cent using the round-half-away-from-zero method.

The round-half-away-from-zero method has been used, so that in the borderline case where the fraction of the percentage is exactly 0.5, the rounded figure is equal to $y + 0.5$ if y is positive, and $y - 0.5$ if y is negative. For example, 23.5 per cent is rounded to 24 per cent, and -23.5 per cent is rounded to -24 per cent. When rounding whole numbers, the result is similar; for example, when rounding to the nearest 100, 1,250 would be reported as 1,300.

Where data are rounded, they may not sum to the totals shown, or, in the case of percentages, to 100 per cent, because they have been rounded independently.

Use of symbols

The following symbols have been used in the tables:

- Nil or, for percentage changes, that the amount is not reported because the base number is fewer than 50
- .. Not available
- * Not applicable

Revisions to data

Data for the latest full calendar year or financial year may be revised in due course. It is the authors' standard practice to incorporate revisions for previous years in the latest release. Substantial revisions to figures presented in earlier editions of 'Police Powers and Procedures' are described in the 'revisions analysis' section for each topic.

The Home Office corrects and revises data in accordance with its [statement of compliance with code of practice for official statistics](#).

6 Arrests

Coverage and quality

The arrests figures relate to arrests for notifiable offences only, which form the basis of recorded crime statistics. The data presented are drawn from returns from the 43 local police forces in England and Wales, and cover trends in arrest rates in England and Wales for an 11-year period, as well as breakdowns by offence group, sex and self-defined ethnicity.

Figures on arrests reported to the Home Office reflect police activity and should not be used to infer levels of crime committed by offenders, or their specific characteristics. Furthermore, not all arrests result in a crime being recorded. Figures for [recorded crime](#) are available on the Office for National Statistics (ONS) website.

The Office for National Statistics (ONS) amended the offence categories of the police recorded crime series in 2012/13. For this reason, 2015/16 data on the reason for arrest, are not directly comparable with earlier years. The table below lists the new offence categories, and gives an indication as to how comparable data are to previous years' data.

| Reason for arrest (offence group) | Comparability with pre-2015/16 data |
|-----------------------------------|---|
| Criminal damage and arson | Mostly comparable with 2014/15 and earlier. |
| Drug offences | Directly comparable with 2014/15 and earlier. |
| Fraud offences | Not comparable with 2014/15 and earlier. |
| Misc crimes against society | Not comparable with 2014/15 and earlier. |
| Possession of weapons offences | Not comparable with 2014/15 and earlier. |
| Public order offences | Not comparable with 2014/15 and earlier. |
| Robbery | Directly comparable with 2014/15 and earlier. |
| Sexual offences | Mostly comparable with 2014/15 and earlier. |
| Theft offences | Not comparable with 2014/15 and earlier. |
| Violence against the person | Not comparable with 2014/15 and earlier. |

There is a risk of under-recording of arrests, as forces are less likely to use automated recording systems such as handheld devices to record arrests than they would for other measures in this release such as stops and searches, fixed penalty notices and breath tests. Manual processes sometimes increase the risk of under-recording.

Where a person has been arrested for one or more notifiable offence on the same occasion, forces are asked to record the arrest against the offence with the highest maximum penalty (the primary arrest). However, due to constraints within their recording systems, Devon and Cornwall Police, Kent Police and North Wales Police are unable to identify the primary arrest in a series of reasons for arrests. Due to this, these forces' data includes all arrests for notifiable offences.

Further detail and analysis of gender issues are published by the Ministry of Justice as part of their [Women and the Criminal Justice System](#) series.

Uses of the data

The key users of arrest statistics are the Ministry of Justice (MoJ) and Youth Justice Board (YJB), both of which present data collated from various government departments and agencies in statistical publications looking at race, women and young people and the criminal justice system. Within the Home Office, the statistics are used by a range of policy advisers, social researchers and economists in order to inform policy and operational decisions by ministers.

7 Stop and search

Introduction

Under sections 5, 50 and 55 of the [Police and Criminal Evidence Act](#) (PACE), there is a statutory requirement for Chief Police Officers to collect and publish statistics monitoring their use. These provisions cover stops and searches of persons or vehicles, road checks, detention of persons, and intimate searches of persons.

Figures on stops and searches and resultant arrests reported to the Home Office reflect police activity and should not be used to infer levels of crime committed by offenders.

Coverage

'Police Powers and Procedures, England and Wales' includes data on stops and searches conducted by police under:

- Section 1 of PACE and associated legislation (collectively referred to as section 1 of PACE); the associated legislation includes stop and search powers under section 47 of the Firearms Act 1968, section 23 of the Misuse of Drugs Act 1971, section 43 of the Terrorism Act 2000 as well as other legislation;
- Section 60 of the Criminal Justice and Public Order Act 1994 in anticipation of violence;
- Section 47A (as amended by the Protection of Freedoms Act 2012) of the Terrorism Act 2000 in order to prevent acts of terrorism.

Further details of these stop and search categories can be seen in the table on the next page.

During a stop and search, a suspect is asked to define their ethnicity. These are grouped into White, Black (or Black British), Asian (or Asian British), Mixed ethnicity, Other ethnic group and ethnicity not stated.

Asian or Asian British group now includes people that identify as Chinese. Previously people who identify as Chinese were grouped as 'Chinese or Other'. Details on groupings are available here: <https://www.ethnicity-facts-figures.service.gov.uk/style-guide/ethnic-groups>. Comparisons made for these groups between 2019/20 and prior should therefore be done so with caution.

Data quality and interpretation

For other forces, some are using handheld devices (e.g. Airwave) to record stops and searches and this tends to reduce the risk of under-recording when compared with the use of paper records, for example. However, data inaccuracies may creep in if the handheld device data are not transferred electronically to the Home Office statistical returns.

Other data sources

Whilst some ethnic breakdowns are provided in this bulletin for the first time, detailed figures and analysis will continue to be published by the Ministry of Justice as part of its annual publication [Statistics on Race in the Criminal Justice System](#).

Figures for [recorded crime](#) are available on/via the GOV.UK website.

Quarterly figures for stops and searches under the Terrorism Act 2000 (including data relating to searches by the Metropolitan Police Service under section 43 of the Terrorism Act 2000) appear in the Home Office statistical release [Operation of police powers under the Terrorism Act 2000 and subsequent legislation: arrests, outcomes and stops and searches](#).

Main stop and search categories

| Legislation | What police can search for | Who, what and where the police can search |
|--|--|--|
| Police and Criminal Evidence Act 1984, s1 | Stolen property; going equipped to steal; offensive weapons , including bladed or sharply pointed articles; other items, including prohibited possession of fireworks; criminal damage (articles made, adapted or intended for use by destroying or damaging property) | Persons and vehicles; where there is public access |
| Firearms Act 1968, s47 | Firearms | Persons and vehicles, in a public place (or anywhere in the case of reasonable suspicion of offences of carrying firearms with criminal intent or trespassing with firearms) |
| Misuse of Drugs Act 1971, s23 | Controlled drugs | Persons and vehicles; anywhere |
| Terrorism Act 2000, s43 | Articles which could be used for a purpose connected with the commission, preparation or instigation of acts of terrorism, allowed only where an officer has reasonable suspicion of terrorism-related activity . [Included in the 'other' category within s1 PACE stop and search data tables]. | Persons and vehicles; anywhere |
| Section 60 Criminal Justice and Public Order Act 1994, as amended by s8 of the Knives Act 1997 | Offensive weapons or dangerous instruments to prevent incidents of serious violence or to deal with the carrying of such items | Persons and vehicles; anywhere within an authorised locality |
| Terrorism Act 2000, s47A [WHICH REPLACED s44(1,2) FROM FEBRUARY 2011] | Articles which could be used for a purpose connected with the commission, preparation or instigation of acts of terrorism, without reasonable suspicion of terrorism-related activity . | Persons; anywhere within an area authorised by the Home Secretary [further information here] |

A fuller list of stop and search powers appears in Annex A of the Police and Criminal Evidence Act 1984 code of practice document [PACE code A](#).

Stop and search powers under the Terrorism Act 2000

The Home Secretary announced on 26 January 2011 the findings from the review of counter-terrorism and security powers. One of the recommendations of the review was that stop and search powers under [sections 44 to 47](#) of the Terrorism Act 2000 should be repealed and replaced with a much more limited power.

This recommendation was based on the Government's commitments to introduce safeguards against the misuse of terrorism legislation, and in order to bring the powers into line with the European Convention of Human Rights, following the European Court of Human Rights ruling in the case of *Gillan and Quinton v United Kingdom*. The recommendation was implemented by provisions in the Protection of Freedoms Bill, introduced to Parliament on 11 February 2011.

The review also recommended that consideration be given to whether the new counter-terrorism stop and search powers should be available more quickly than the Protection of Freedoms Bill would allow. On 1 March 2011 the Home Secretary announced that she had concluded that the police did need the powers more quickly than the Bill would allow.

The Home Secretary therefore made a [remedial order](#) under section 10 of the Human Rights Act 1998 to make immediate changes to the legislation. The new powers contained in that order were supported by a robust statutory Code of Practice. The remedial order came into force on 18 March 2011, replacing sections 44 to 47 of the Terrorism Act 2000 with a more targeted and proportionate power, making a temporary provision while the Protection of Freedoms Bill was taken through Parliament.

Section 47A (as amended by the [Protection of Freedoms Act 2012](#)) and Schedule 6B of the Terrorism Act 2000 introduced replacement stop and search provisions. An authorisation for the use of the new stop and search powers can only be given under section 47A where the person giving it reasonably suspects an act of terrorism will take place and considers the powers are necessary to prevent such an act. An authorisation can last for no longer and cover no greater an area than is necessary to prevent such an act. This represents a significantly higher threshold for giving an authorisation than the “expediency” test under section 44 of the 2000 Act.

Best Use of Stop and Search

The Home Office held a consultation into the use of stop and search powers between July and September 2013, seeking views specifically on:

- section 1 of the Police and Criminal Evidence Act 1984 (PACE);
- section 23 of the Misuse of Drugs Act 1971;
- section 60 of the Criminal Justice and Public Order Act 1994.

Aggregate figures provide a limited view on the effectiveness of stop and searches. This resulted in the launch of the [Best Use of Stop and Search scheme](#) on 30 April 2014. This required forces to comply with a number of conditions such as recording a broader range of stop and whether there is a connection between the grounds for the search and the outcome. The aims of the scheme were to:

- achieve greater transparency around how stop and search is used
- improve community engagement and involvement in the use of stop and search powers
- develop a more intelligence-led approach to the use of stop and search
- encourage accountability in the police use of stop and search powers

Forces that don't meet the requirements face the risk of being suspended from the scheme.

Forces adopting the Scheme will therefore provide the public with a richer picture of how their use of stop and search powers is enabling them to reduce crime rates, and how well individual officers are using their 'reasonable suspicion powers' to target suspects with prohibited items in their possession.

Data on the Best Use of Stop and Search (BUSS) Scheme were collected on a voluntary basis for the first time in 2015/16. In 2017/18, all forces in England and Wales were signed up to the scheme and provided data.

8 PACE powers – detentions, intimate searches, road checks

Introduction

Under sections 5, 50 and 55 of the [Police and Criminal Evidence Act \(PACE\)](#), there is a statutory requirement for Chief Police Officers to collect and publish statistics monitoring their use. These provisions cover stops and searches of persons or vehicles (see section 5), road checks, detention of persons, and intimate searches of persons.

Police detention

Under section 42 of PACE, detention in police custody before charge on the authority of a police officer is normally limited to 24 hours except where the alleged offence is an indictable one, where the maximum is 36 hours. The current powers enable a superintendent or above to authorise continued detention for up to 36 hours for all indictable offences. Additionally, the police can apply to magistrates for warrants of further detention, extending the maximum detention period to 96 hours.

Tables in the 'Police Powers and Procedures' release show the periods for which the warrants of further detention were granted, including any extensions. Nineteen years' worth of figures are shown in the longer-term trend tables. These totals should not be used to make direct comparisons as figures are not available for all police forces over time (see table notes).

Charges following detention

Figures on police detention are reported to the Home Office for the purposes of monitoring whether police forces are using their powers of further detention appropriately, rather than to ascertain charging rates. As a result, no figures on the number of persons charged after being held for less than 36 hours with no warrant applied for are collected.

Figures on charging rates when a person is held for more than 36 hours under warrant are collected because, in these instances, persons can be held in police custody for up to 96 hours and it is important to monitor charging rates when persons are held for extended periods of time.

Intimate searches

Intimate searches involve a physical search of the body orifices, and therefore exclude strip searches. They may only be carried out if there are reasonable grounds for believing that a person who has been arrested and is detained may have concealed anything which could be used to cause physical injury; or, in the case of suspected couriers or dealers only, a Class A drug (as defined in the Misuse of Drugs Act 1971). In the case of searches for drugs, a registered doctor or nurse can carry out the search. Searches for harmful articles are by suitably qualified persons, unless this is not practicable when a constable will carry out the search.

Road checks

Police officers of the rank of superintendent or above can authorise for road checks to be conducted under section 4 of PACE for the purpose of ascertaining whether a vehicle is carrying:

- a person who has committed an offence other than a road traffic offence or a vehicle excise offence
- a person who is a witness to such an offence
- a person intending to commit such an offence
- a person who is unlawfully at large.

Information on road checks carried out by police forces in England and Wales were collected and published by the Home Office, for the years 2001/02 to 2016/17, before being discontinued following the November 2017 edition of the bulletin. Data were previously submitted to the Home Office by

police forces in England and Wales, excluding the BTP, covering the number of times this power was used and the number of resultant arrests.

Uses of the data

The key users of these statistics are Home Office policy advisors, who use them in order to inform policy and operational decisions by ministers.

Figures on police detention are reported to the Home Office for the purpose of monitoring whether police forces are using their powers of further detention appropriately, rather than to ascertain charging rates. As a result, no figures are collected on the number of persons charged after being held for less than 36 hours with no warrant applied for.

Figures on persons held for more than 36 hours under warrant are collected. This is because such persons can be held in police custody for up to 96 hours and it is important to monitor charging rates when persons are held for extended periods of time.

9 Fixed penalty notices and other outcomes for motoring offences

Coverage

In 2016, the Home Office widened the scope of the dataset for Fixed Penalty Notices (FPNs) for motoring offences to include cases where a driver retraining course, such as a speed awareness course, was attended by the individual, as well as cases where an individual faced court action. However, information on the outcome of those summoned to court is not provided and therefore data do not contain the number of individuals prosecuted for motoring offences¹.

Data presented in the 'Police powers and procedures' statistical bulletin are broken down by offence type and how they were dealt with (e.g. FPN, driver retraining course, court action).

In addition to police officers, police employed traffic wardens have the power to issue FPNs for parking offences. These notices are included in the release; however, it should be stressed that as most traffic wardens are now employed by local authorities, their activities are not covered here.

More information about the process of issuing FPNs for motoring offences, including the penalty levels, are shown in the [guidance issued by the Crown Prosecution Service](#).

Information on court proceedings for motoring offences are dealt with by the Ministry of Justice and published in [Criminal Statistics England and Wales](#).

Up to 2009/10, statistics on written warnings for motoring offences and Vehicle Defect Rectification Scheme notices were also collected and published by the Home Office (see below).

Switch to PentiP

The Vehicle Procedures and Fixed Penalty Office (VP/FPO) system has been used by police forces in England and Wales to process FPNs for a number of years.

Following a mandate from the police, a requirement to replace VP/FPO with a national fixed penalty processing system – PentiP – was developed, and the contract was awarded to Northgate in 2009. Roll-out to all police forces in England and Wales commenced in June 2012 and was completed by the end of June 2013.

PentiP enables the police to update a central database with details of all FPNs issued and conduct searches to check such things as: the details of a driver/vehicle; whether a driver has been disqualified; whether a driver is eligible for a Speed Awareness or Driver Improvement Scheme Course; or whether a person has a previous cannabis warning.

Written warnings and Vehicle Defect Rectification notices

The police, in the interests of road safety, can prosecute drivers for using a defective vehicle on the road. To avoid unnecessary prosecutions, the Vehicle Defect Rectification Scheme (VDRS) was introduced in 1986 to ensure that faults on vehicles are rectified and suitable for use on public roads.

Statistics on Vehicle Defect Rectification Scheme (VDRS) notices and written warnings for motoring offences no longer appear in this release as they were withdrawn as National Statistics from 2009. This withdrawal implements a recommendation review by David Normington, former Home Office Permanent Secretary, on [Reducing the Data Burden on Police Forces in England and Wales](#) and was approved by the National Statistician following a [public consultation](#) under National Statistics procedures.

Non-motoring fixed penalty notices

In addition to FPNs for motoring offences, police officers can also issue FPNs for minor disorder offences under the Penalty Notice for Disorder (PND) scheme. Offences covered under the scheme

¹ Ministry of Justice publishes data in its [Criminal Justice Statistics Quarterly](#) publication on prosecutions and convictions for motoring offences

include: causing harassment; being 'drunk and disorderly' or consuming alcohol in a designated public place or highway; retail theft or shoplifting (value under £200); possessing cannabis; and fireworks offences.

The most recent information on the number of PNDs issued is published in the MoJ publication, [Criminal Statistics England and Wales](#).

10 Breath tests

Introduction

'Police Powers and Procedures' contains figures on the use of police powers to conduct screening breath tests at the roadside (or similar location) to determine whether motorists are driving with alcohol in their body beyond the prescribed limit. It considers the number of motorists who either fail (return a positive reading) or refuse breath tests, and examines the regional and seasonal use of such powers. The data presented are drawn from returns from the 43 police forces in England and Wales, and do not cover the administering of evidential alcohol breath tests.

Legislation and procedure

Under the Road Traffic Act 1988, the police can require a person to take a screening breath test if they have a reasonable cause to suspect that the person:

- is or has been driving or attempting to drive or is in charge of a motor vehicle on a road or other public place with alcohol in their body (section 6(2) and 6(3));
- has committed a moving traffic offence (section 6(4)); or
- has been involved in an accident (section 6(5)).

The subsequent evidential test carried out at the police station can be submitted as evidence in court. The prescribed alcohol limit is 35 micrograms of alcohol per 100 ml of breath, which equates with 80 milligrams of alcohol in 100 ml of blood. It is an offence to refuse to take a breath test when required to do so by a police officer unless there is a reasonable excuse. Court penalties for refusing an evidential test are the same as being above the prescribed limit.

Introduction of new digital recording equipment

From April 2008 police forces across England and Wales progressively began using new digital recording equipment in place of traditional breath testing screening devices. Unlike previous devices, the new equipment is able to record and report the specific quantity of any alcohol present in a person's system at the roadside, the reason for the test, the age and gender of the person being tested and the date and time it was carried out. The results are downloaded from police force data systems on a monthly basis and provided to the Department for Transport (DfT) on a voluntary basis.

Analysis based on data from the digital devices is published annually by the DfT in its [road accidents and safety statistics](#), along with figures on drink-drive accidents and casualties in Great Britain. The DfT's collection of breath screening tests includes only those which were undertaken using the new digital testing devices.

The introduction of the digital devices is likely to have resulted in improved data recording by many forces. Negative breath tests (suggesting motorists are not driving with alcohol in their body) may previously have been under-reported but the proportion of tests that are refused or resulted in positive readings have decreased since the beginning of 2008.

11 Detentions under the Mental Health Act 1983

Introduction

Police forces in England and Wales regularly interact with people experiencing mental ill health. Sometimes these interactions may result in the need to remove a person from where they are, and take them to a place of safety, under section 135 or 136 of the Mental Health Act 1983. 'Police Powers and Procedures' contains figures on detentions under section 135 and 136 of the Mental Health Act 1983.

Section 135

Under section 135 a magistrate may issue a warrant, on application by a mental health professional, authorising a police officer to enter specific premises in respect of a mentally disordered person, believed to be in need of care or control, and to remove that person from those premises if necessary. Incidents are only recorded by the police under section 135 if an officer enters a private premise in execution of the warrant (including by force if necessary) and/or removes the person from the premises to a place of safety in accordance with the terms of the warrant. Therefore, incidents where an officer attends a private premise in response to ad hoc requests for assistance, or other reasons, but does not execute either part of a section 135 warrant are not recorded in this data set.

Section 136

Under section 136 of the Act a police officer may remove a person from any place, other than a private dwelling, to a place of safety if, in the officer's judgement, that person appears to be suffering from mental ill health and needs immediate care or control, in the interests of their safety or that of others. The maximum period for which a person can be detained at a place of safety under sections 135 or 136 is usually 24 hours, with the possibility of this period being extended by a further 12 hours in specific circumstances.

Data collection

Following concerns raised about the quality and transparency of police data in this area, at the Policing and Mental Health Summit in October 2014 the then Home Secretary announced that the Home Office would work with the police to develop a new data collection covering the volume and characteristics of detentions under sections 135 and 136. Previously, data on the total number of section 136 detentions were collected and published by the National Police Chiefs' Council (NPCC).

A data collection was developed by the Home Office which requests forces to provide information on the age, gender and ethnicity of people detained, as well as the place of safety used (including, where applicable, the reason for using police custody), and the method of transportation used (including, where applicable, the reason for using a police vehicle).

In the year ending 31 March 2016, the Home Office piloted this new data collection on a voluntary basis, and a response was received from 15 forces. These data were published in an Annex to the [Police Powers and Procedures, year to March 2016](#) statistical release.

For the 2016/17 bulletin and onwards, the Home Office has collected extensive data on detentions under section 136 of the Act. Data on detentions under section 135 of the Act were provided by a subset of forces in 2016/17 and 2017/18 as some forces mentioned quality concerns with their data, including partial returns. For 2018/19 and 2019/20 at least 40 forces have returned data although many of these returns still have data quality issues.

Due to the provisional and incomplete nature of data on detentions under section 135 of the Act, these statistics have been designated as **Experimental Statistics**, to acknowledge that further development will take place in the coming future. The Home Office is working with forces to understand the issues they face with this data collection, and will consider whether any changes to

the data return requirement are needed.

Other sources

As part of its annual [Mental Health Bulletin](#), NHS Digital (formerly the Health and Social Care Information Centre) publishes data on inpatients detained in hospitals in England under the Mental Health Act 1983. Although the Home Office figures will include some cases where the police initially detained the individual, they will also include a large number of other cases where the police were not involved.

12 Pre-charge bail

Introduction

Pre-charge bail, also known as police bail, is granted by the police under the Police and Criminal Evidence Act 1984 (PACE) to individuals that have been arrested on suspicion of a criminal offence, but where there are no grounds to keep them in detention while the investigation continues. The 'Police Powers and Procedures' statistical publication contains figures on the number of individuals released on pre-charge bail following an arrest broken down by bail length.

Legislation and procedure

Pre-charge bail is granted by the police under the Police and Criminal Evidence Act 1984 (PACE) to individuals that have been arrested on suspicion of a criminal offence, but where there are no grounds to keep them in detention while the investigation continues. Applying bail conditions means that the police can manage a suspect effectively within the community while further investigations progress. Pre-charge bail may be granted subject to conditions under the Bail Act 1976. Conditions may be necessary in order to ensure that the suspect:

- surrenders to custody at the end of the bail period;
- does not commit an offence whilst on bail;
- does not interfere with witnesses; and
- does not otherwise obstruct the course of justice.

Conditions may typically include:

- a ban on leaving the country, including a requirement to surrender a passport;
- not being allowed to enter a certain area, such as the home of the alleged victim;
- a ban on using the internet;
- not being allowed to communicate with certain people, e.g. victims, witnesses or known associates.

On 3 April 2017, reforms to pre-charge bail were introduced via the Policing and Crime Act 2017, which aim to reduce the number of individuals - and the length of time spent - on pre-charge bail. Whilst the Policing and Crime Act 2017 limits pre-charge bail to an initial period of 28 days, it is still possible for police to secure an extension beyond the initial 28-day period where it is appropriate and necessary, for example in complex cases. One extension of up to 3 months can be authorised by a senior police officer at superintendent level or above. In exceptional circumstances, where the police need to keep an individual on bail for longer than 3 months, they will have to apply to a magistrate's court for further bail.

Data Collection

From April 2017 the Home Office has requested information on a voluntary basis from police forces on the number of individuals released on pre-charge bail following an arrest, broken down by bail length. In 2019/20, the analysis is based on data received from 40 of the 43 police forces in England and Wales. Some of these forces mentioned quality concerns with their data, including partial returns. Therefore, data in this chapter gives an indicative picture only, and should be treated with caution.

Due to the provisional and incomplete nature of this dataset, these statistics have been designated as **Experimental Statistics**, to acknowledge that further development will take place in the coming

future. The Home Office is working with forces to understand the issues they face with this data collection, and will consider whether any changes to the data return requirement are needed.

13 Other data sources

Introduction

Statistics are published elsewhere by the Home Office and MoJ on a selection of other police powers and procedures, some of which are listed below.

Offenders cautioned

The MoJ collects figures on numbers of offenders cautioned as part of its cautions and convictions series. The statistics cover all criminal offences, not just those included in the recorded crime statistics.

Statistics are published annually in the National Statistics publication [Criminal Statistics, England and Wales](#), which contains breakdowns by offence group, age and sex of offender and police force area. The cautions figures include simple and conditional cautions, and reprimands/final warnings (used for offenders aged 10 to 17). Separate figures for reprimands/final warnings are also available.

Offences resolved by means of a caution

Up to and including the financial year 2012/13, the Home Office's main statistical collection on recorded crime included offences detected by method of detection. Unlike the offenders cautioned statistics which cover all offences, this collection covered notifiable offences only, which means that most summary offences were excluded. Statistics were published in the annual National Statistics publication [Crimes detected in England and Wales](#), which included breakdowns by offence type, detection method (including cautions) and police force area.

A consultation was launched in October 2012 seeking views of key partners and directly affected parties to a revised detection framework, with a [summary of consultation responses and conclusions](#) published in March 2013. The Home Office amended its statistical collection in April 2013, reflecting the proposals of the revised framework. 'Crime Outcomes in England and Wales' is published quarterly on the [Crime Statistics](#) pages of GOV.UK.

Police use of firearms

The Home Office publishes annual figures for each police force in England and Wales on numbers of police operations in which firearms were authorised; the numbers of authorised firearms officers; the numbers of operations involving armed response vehicles; and the numbers of incidents where conventional firearms were used by the police.

These statistics are not National Statistics. They are released each year in the form of a ministerial statement and are available on the [Police Use of Firearm Statistics](#) pages of GOV.UK.

Police use of TASER ® X26 conducted energy devices (CED)

The Home Office's Public Order Unit continues to monitor the use of TASER ® X26 CED by all police forces, both by specially trained units and firearms officers, and publishes figures on the [Use of taser statistics](#) pages of GOV.UK. These statistics are not National Statistics.

Football-related arrests

Statistics on [football-related arrests](#), as well as numbers of banning orders issued, are published by the Home Office each autumn on the GOV.UK website. These statistics are not National Statistics.

Stop and account

Figures on stop and account used to be published by the Ministry of Justice in its [Race and the Criminal Justice System](#) series. Collection of these figures ceased from 2011/12, as the police were no longer required to record the stops made.

Firearm certificates

The Home Office publishes a National Statistics release on the issue of firearm and shotgun certificates by the police, as well as the number of firearms dealers registered by the police. The annual releases are available online on the [Firearm certificates in England and Wales statistics](#) pages of GOV.UK.