



CIVIL NUCLEAR CONSTABULARY

Email

████████████████████

The Executive Office

Civil Nuclear Constabulary

Building F6 Culham Science Centre

Abingdon

Oxon

OX14 3DB

Tel: 01235 466428

Website: <https://www.gov.uk/cnc>

Dear ██████████

I am writing in response to your request for information regarding the below. Your request has been handled under Section 1(1) of the Freedom of Information Act 2000. In accordance with Section 1(1) (a) of the Act I hereby confirm that the CNC/CNPA does hold information of the type specified.

- 1. Copies of training materials used to train officers on the use of stop-and-search powers since 27th September 2016.**
- 2. Where possible, an indication of when these training materials were in use.**
- 3. Names of any individuals or companies external to the force brought into provide training on the use of stop and search, along with dates they provided this training and number of officers who received it.**

By 'training materials' I am referring to material such as:

- **Powerpoint presentations or other slide shows**
- **Videos**
- **Written handouts**
- **Reading lists**

(Not an exhaustive list)

- 1 I have enclosed with this letter training material that the CNC has been using. The officers on the initial foundation course also partake in 26 hours of practical scenarios in relation to stop and search. A point to note is that PACE does not apply to Scotland.
- 2 This material has always been delivered in the same format; prior to the dates that you have requested. Any changes will have been minimal and non-impactive within that time.
- 3 We have not used any external companies to deliver any of this training.

The Civil Nuclear Constabulary is a specialist armed police service dedicated to the civil nuclear industry, with Operational Policing Units based at 10 civil nuclear sites in England and Scotland and over 1400 police officers and staff. The Constabulary headquarters is at Culham in Oxfordshire. The civil nuclear industry forms part of the UK's critical national infrastructure and the role of the Constabulary contribute to the overall framework of national security.

The purpose of the Constabulary is to protect licensed civil nuclear sites and to safeguard nuclear material in transit. The Constabulary works in partnership with the appropriate Home Office Police Force or Police Scotland at each site. Policing services required at each site are agreed with nuclear operators in accordance with the Nuclear Industries Security Regulations 2003 and ratified by the UK regulator, the Office for Nuclear Regulation (ONR). Armed policing services are required at most civil nuclear sites in the United Kingdom. The majority of officers in the Constabulary are Authorised Firearms Officers.

The Constabulary is recognised by the National Police Chiefs' Council (NPCC) and the Association of Chief Police Officers in Scotland (ACPOS). Through the National Coordinated Policing Protocol, the Constabulary has established memorandums of understanding with the local police forces at all 10 Operational Policing Units. Mutual support and assistance enable the Constabulary to maintain focus on its core role.

We take our responsibilities under the Freedom of Information Act seriously but, if you feel your request has not been properly handled or you are otherwise dissatisfied with the outcome of your request, you have the right to complain. We will investigate the matter and endeavour to reply within 3 – 6 weeks. You should write in the first instance to:

Kristina Keefe
Disclosures Officer
CNC
Culham Science Centre
Abingdon
Oxfordshire
OX14 3DB

E-mail: FOI@cnc.pnn.police.uk

If you are still dissatisfied following our internal review, you have the right, under section 50 of the Act, to complain directly to the Information Commissioner. Before considering your complaint, the Information Commissioner would normally expect you to have exhausted the complaints procedures provided by the CNPA.

The Information Commissioner can be contacted at:

FOI Compliance Team (complaints)
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

If you require any further assistance in connection with this request please contact us at our address below:

Kristina Keefe
Disclosures Officer
CNC
Culham Science Centre
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OX14 3DB
E-mail: FOI@cnc.pnn.police.uk

Yours sincerely
Kristina Keefe
Disclosures Officer



Home Office



College of
Policing

BEST USE OF STOP & SEARCH SCHEME

Summary

The Best Use of Stop and Search Scheme was announced by the Home Secretary in her statement to Parliament on 30th April 2014.

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

The features of the Scheme are:

- Data Recording – forces will record the broader range of stop and search outcomes e.g. arrests, cautions, penalty notices for disorder and all other disposal types. Forces will also show the link, or lack of one, between the object of the search and its outcome.
- Lay observation policies – providing the opportunity for members of the local community to accompany police officers on patrol using stop and search.
- Stop and search complaints 'community trigger' – a local complaint policy requiring the police to explain to local community scrutiny groups how the powers are being used where there is a large volume of complaints.
- Reducing section 60 'no-suspicion' stop and searches by –
 - raising the level of authorisation to senior officer (above the rank of chief superintendent);
 - ensuring that section 60 stop and search is only used where it is deemed necessary – and making this clear to the public;
 - in anticipation of serious violence, the authorising officer must reasonably believe that an incident involving serious violence will take place rather than may;
 - limiting the duration of initial authorisations to no more than 15 hours (down from 24); and
 - communicating to local communities when there is a section 60 authorisation in advance (where practicable) and afterwards, so that the public is kept informed of the purpose and success of the operation.

By adopting the Scheme, forces will use stop and search strategically, which will improve public confidence and trust.

Best Use of Stop and Search Scheme – in detail

1. Data recording

- 1.1. Currently national data, published in the annual Police Powers and Procedures publication, provides information on the number of stop and searches and the proportion that result in an arrest. The latest statistics for 2012/13 showed that of the 1 million stop and searches under section 1 of the Police and Criminal Evidence Act 1984, only 10% led to an arrest.
- 1.2. This figure does not give the whole picture concerning the effectiveness of stop and search. 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.
- 1.3. A key component of the Scheme, therefore, is the requirement on forces to record and publish a broader range of outcomes which could follow from a stop and search encounter.

Forces participating in the Scheme will expand their data requirements and return information where stop and search has resulted in any of the following outcomes:

- i. Arrest (as is currently required);
- ii. Summons / charged by post;
- iii. Caution (simple or conditional);
- iv. Khat or Cannabis Warning;
- v. Penalty Notice for Disorder;
- vi. Community resolution; or
- vii. A no further action disposal.

Information will be returned through the Home Office Annual Data Requirement.¹

- 1.4. The measure of the success of stop and search is not necessarily a 'hit', or positive outcome, as there may be occasions where the outcome of a stop and search is unconnected to the reasonable grounds for suspicion. Such an outcome is likely to represent a chance detection rather than professional judgement and the use of reasonable grounds by the officer in question. It is for this reason that it is important that the public has access to this information to assess how effectively the police are using their powers. Data must therefore be made available which show whether the object of the stop and search is connected to the outcome; this will encourage accountability in the police use of these powers.

¹ Only one outcome should be recorded for each stop and search encounter. Where one of the above outcomes follows an arrest, the recorded outcome will be the arrest and not any further action through out of court disposal, prosecution or otherwise. Recording both arrest and other outcome for the same stop and search will distort the figures which are concerned with immediate stop and search outcomes.

2. Lay observation policies

- 2.1. In order to improve public understanding of the police and contribute to best practice, forces must be open and accessible. It is important for the public, particularly young people and people from Black and Minority Ethnic communities, to be able to see the police conducting their work in a professional way. Equally, it is also important for the police to understand the communities that they are serving – as this enables more effective policing through police and community cooperation and exemplifies ‘policing by consent’.
- 2.2. By introducing ‘lay observation’, a process of two-way learning can take place, bringing the police closer to the public. A core element of the Scheme is the requirement that participating forces will provide opportunities for members of the public to accompany police officers on patrol when they might deploy stop and search powers.

Forces participating in the Scheme will develop lay observation policies which adhere to the following principles:²

- members of the public are provided with the opportunity to see stop and search in action;
- the police have the opportunity to demonstrate their use of stop and search;
- the public has the opportunity to provide feedback to the police based on their observations; and
- the need to ensure the safety of lay observers is appropriately taken into account.

- 2.3. We recognise that the stop and search rate varies between forces, and that it is difficult to predict when a stop and search encounter might take place. Some forces already facilitate public observation through ‘Ride Along’ schemes, for example. It is open to forces to meet this requirement through such schemes. By extension, where forces do not have public observation policies, they may wish to apply a policy with a broader scope.

² Individual police forces will develop their own local policies to ensure that the use of lay observers is compatible with Article 8 of the ECHR (the right to respect for private life) and the Data Protection Act 1998.

3. Community complaints trigger

- 3.1. The community complaints trigger will be the requirement on forces to signpost the appropriate mechanism for members of the community to raise any concerns or complaints that they have with the way that a stop and search has been carried out by their police force.
- 3.2. Forces participating in the Scheme have local discretion to determine the most appropriate way to establish the community complaints trigger; however, consideration should be given to including information on the complaints trigger either on the receipt provided to all individuals following a stop and search or verbally by officers (or both). Importantly, forces will publish their policy to ensure transparency in the process.
- 3.3. The nature of the trigger will be quantitative and / or qualitative and, whilst there will be variation between forces, each force must ensure that the local community (often through Independent Advisory Groups or Scrutiny Boards) is provided with the opportunity to influence how it is set up and how many complaints, and of what nature, would set off the trigger.
- 3.4. In forces where complaints are particularly low, forces should consider treating every complaint as a 'trigger' – each requiring explanation and scrutiny by community groups.

Forces participating in the Scheme will develop a compliant policy which:

- ensures individuals stopped and searched are made aware of where to complain;
- introduce a threshold above which the police are compelled to explain their use of stop and search; and
- that explanation will be given, primarily, to local community groups responsible for scrutinising the use of stop and search.

4. Section 60 Criminal Justice and Public Order Act 1994 stop and search

- 4.1. Section 60 stop and search powers are among the most controversial of all such powers by virtue of the fact that individual police officers are not required to have any reasonable grounds for suspicion.
- 4.2. Once a section 60 authorisation is in place, officers do not need to have suspicions on a particular individual prior to stopping them; though it is a requirement of PACE Code A for an officer to explain to an individual who has been stopped that a section 60 authorisation is in place. This can lead to a large number of searches which result in community and police tensions. The Scheme introduces a set of requirements that, when combined, will ensure that participating forces improve their use of this type of stops.

Forces participating in the Scheme will revise their use of section 60 stop and search powers so that all stops and searches conducted under this section will adhere to the following conditions:

- The 1994 Act currently provides for an officer of at least the rank of inspector to give a section 60 authorisation in a particular area for a specified period time. Forces in the Scheme will **raise the level of authorisation to a senior officer**.³
- Although the word “necessary” does not appear in section 60(1), the effect of Article 8 of ECHR is that necessity remains relevant to each decision as to whether an authorisation is justified. Any authorisation made under section 60 must be made only when the officer believes it is necessary. In practice, in addition to expediency, which is explicit in the 1994 Act, the authorising officer must also have considered the authorisation necessary to prevent serious violence or to find dangerous instruments or weapons after an incident involving serious violence, or to apprehend persons carrying weapons. **This applies to all forces using this power regardless of whether they are participating in the Scheme or not.**
- Informed by intelligence, senior officers in participatory forces must have a higher degree of certainty by reasonably believing that incidents involving serious violence **will** take place rather than it being a possibility. Any judgment about the credibility of the intelligence will be a matter for the senior officer.
- The law provides for initial authorisations to be made for up to 24 hours (extendable for a further 24 hours). Forces participating in the Scheme will **limit the maximum duration of the initial authorisation to 15 hours**. For an extension up to 24 hours, an officer of senior rank will authorise any additional extensions.⁴
- **Participating forces must communicate with the public in the areas where a section 60 authorisation is to be put in place in advance (where practicable) and afterwards.** The public need to be informed of the purpose and outcomes of each section 60 operation. However, it is a matter of local discretion to participating forces as to how they communicate this information.

³ In all cases, a ‘senior officer’ for the purposes of the Scheme has the meaning of at least an Assistant Chief Constable, Commander of the Metropolitan Police, or Commander of the City of London Police or above

⁴ An extension made beyond 15 hours will not exceed nine hours, which will take the authorisation up to the statutory 24 hours mark. An extension beyond 24 hours will not exceed 15 hours, as applies to the first authorisation.

5. Adherence to the Scheme

- 5.1 Forces signed up to the Scheme are expected to adhere to all its components, subject to exceptional circumstances. However, nothing in the Scheme is binding in law; statute and case law on stop and search therefore remain unaffected.
- 5.2 All departures from the Scheme must be made public. The Home Secretary reserves the right to withdraw membership of the Scheme where there is evidence that a force is not in compliance with its terms.

Forces participating in the Scheme will make public all instances where they have departed from the requirements of the Scheme and explain the reason for why this occurred.

6. Race and Diversity Monitoring

- 6.1 To comply with the public sector equality duty in section 149 of the Equality Act 2010, whilst designing and implementing any new policies as part of the Best Use of Stop and Search Scheme, forces must consider the impact on all individuals. This duty requires that forces have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities.
- 6.2 In addition, as an important element of the Scheme is to encourage a better relationship between the police and the public, participating forces need to ensure that they are actively monitoring their use of stop and search powers.

Forces participating in the Scheme will ensure that the impact of the Best Use of Stop and Search Scheme is monitored, particularly as it relates to individuals from Black and Minority Ethnic groups and young people.

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Section 1 PACE - Power of constable to stop and search persons, vehicles etc..

- (1) A constable may exercise any power conferred by this section—**
- (a) in any place to which at the time when he proposes to exercise the power the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission; or
 - (b) in any other place to which people have ready access at the time when he proposes to exercise the power but which is not a dwelling..
- (2) Subject to subsection (3) to (5) below, a constable—**
- (a) may search—
 - (i) any person or vehicle;
 - (ii) anything which is in or on a vehicle,.
for stolen or prohibited articles, any article to which subsection (8A) below applies or any firework to which subsection (8B) below applies] ; and
 - (b) may detain a person or vehicle for the purpose of such a search.
- (3) This section does not** give a constable power to search a person or vehicle or anything in or on a vehicle **unless** he has reasonable grounds for suspecting that he will find stolen or prohibited articles, any article to which subsection (8A) below applies or any firework to which subsection (8B) below applies]..
- (4) If a person is in a garden or yard** occupied with and used for the purposes of a dwelling or on other land so occupied and used, a constable **may not** search him in the exercise of the power conferred by this section **unless** the constable has reasonable grounds for believing—
- (a) that he **does not** reside in the dwelling; and
 - (b) that he **is not** in the place in question with the express or implied permission of a person who resides in the dwelling..
- (5) If a vehicle is in a garden or yard** occupied with and used for the purposes of a dwelling or on other land so occupied and used, a constable **may not** search the vehicle or anything in or on it in the exercise of the power conferred by this section **unless** he has reasonable grounds for believing—



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- (a) that the person in charge of the vehicle **does not** reside in the dwelling;
and
- (b) that the vehicle **is not** in the place in question with the express or implied permission of a person who resides in the dwelling.

(6) If in the course of such a search a constable discovers an article which he has reasonable grounds for suspecting to be a stolen or prohibited article, an article to which subsection (8A) below applies or a firework to which subsection (8B) below applies], **he may seize it.**

(7) An article is prohibited for the purposes of this Part of this Act if it is—

- (a) an offensive weapon; or
- (b) an article—
 - (i) made or adapted for use in the course of or in connection with an offence to which this sub-paragraph applies; or
 - (ii) intended by the person having it with him for such use by him or by some other person.

(8) The offences to which subsection (7)(b)(i) above applies are—

- (a) burglary;
- (b) theft;
- (c) offences under section 12 of the Motor Vehicle Theft Act 1968 (taking motor vehicle or other conveyance without authority);
- (d) fraud (contrary to section 1 of the Fraud Act 2006)] and
- (e) offences under section 1 of the Criminal Damage Act 1971 (destroying or damaging property).

(8A) This subsection applies to any article in relation to which a person **has** committed, or **is** committing or **is going to** commit an offence under section 139 of the Criminal Justice Act 1988 (Bladed/sharply pointed article).

(8B) This subsection applies to any firework which a person possesses in contravention of a prohibition imposed by fireworks regulations..



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(8C) In this section—

- (a) “firework” shall be construed in accordance with the definition of “fireworks” in section 1(1) of the Fireworks Act 2003; and
- (b) “fireworks regulations” has the same meaning as in that Act.]

(9) In this Part of this Act “offensive weapon” means any article—

- (a) made or adapted for use for causing injury to persons; or
- (b) intended by the person having it with him for such use by him or by some other person.



Stop and Search, Section 1 PACE

Recipients: Foundation Course
Facilitator Requirements: 1 x L&D Facilitator
Duration: 8 Hours

Aims: To introduce constables to the legislation and procedure of stops and searches

Lesson Reference Number	FC15/ LP/ V1.1
Priority Rating	1
Cross Ref to Activities Framework (National Occupational Standards (NOS))	52- Search persons or property 53 – Search vehicles, premises and Land 57 – Use information/intelligence to support policing objectives 217 – Maintain standards of professional practice 141 – Promote equality, diversity and human rights in working practices.
Cross Reference to Behavioural Framework (Performance Development Review (PDR))	Effective communication - B Personal responsibility - B
Reference Manuals/ Forms	Codes of practice, Blackstones, Stop and Search and Stop and Account Recording Procedure CNC/PP/0650

Hyperlinks to Associated Material

Material	Reference & Hyperlink
Powerpoint Presentations	Stop and Search PP.ppt
Media Clips/ Footage	S1 video
Student Handouts	Stop and search pre read.doc Stop and Search Booklet
Facilitator Notes	Stop and Search PP.ppt
Risk Assessments	CLD Classroom
Safety Briefings	CLD General
Knowledge Check Sheets	Stop and search knowledge check and answers.doc Stop and search knowledge check 2.doc

	Last Reviewed	By Whom	Signature
Author	28/04/2016	██████████	
Proof Read	28/04/2016	██████████	
Diversity Check			
Legal Check			
Approved By			



Objectives

- State the power to Stop and Search as defined by Section 1 PACE 1984
- Explain the meaning of 'detain' vehicle, any place, stolen and prohibited articles,
- Explain the meaning of 'reasonable grounds for suspicion'
- Explain the essential info that must be given prior to a search (GO-WISELY)
- Explain the requirements placed on constable when conducting a search
- Explain the impact of Section 3 CLA 1967, and Section 117 PACE 1984
- Explain best practice in relation to a lawful search
- Explain how bias and prejudice can affect judgement
- Suggest methods to ensure officer safety throughout search
- Explain the requirements of a constable after a search

Time	Explanatory notes, content, indicative learning and teaching methods, assessment of learning, resources.
0-2mins	<p>Teaching aids and materials required</p> <ul style="list-style-type: none"> • Classroom • Computer and projector • Knowledge checks • Problem solving exercise sheets • S and S knowledge check 1 • S and S knowledge check 2 • GOWISELY situational checks x 2 • S and S video • Video handouts • Stop and Search books <p>Teaching methods adopted The session is an informative presentation with a facilitative style of delivery</p> <p>Maslow Health & Safety consideration, Fire drills, Bomb threat drills, First Aid, welfare issues will be discussed at this stage. A generic risk assessment is in place in the class and a dynamic risk assessment is always done prior to the session. The trainer will check whether there are any issues or questions the students wish to clarify / discuss from the previous lesson.</p> <p>Gestalt The Facilitator will outline the sessions' objectives / learning outcomes and verbally paint a map of where the session will go.</p> <p>Start of lesson</p>



2-5mins	<p>Slide 1: Title Slide</p> <p>Trainer introduces the session and says that the lesson will dip in and out of the pre read that you should have.</p> <p>Trainer Note: Check that all students have the pre-read with them.</p>
5-10mins	<p>Slide 2: Objectives</p> <p>Trainer describes the objectives, going on to say that the session will cover the pre-read and go deeper and explain other points and factors that they need to be aware of with regard to Section searches (Knowledge)</p>
10-15mins	<p>Slide 3: History</p> <p>Trainer shows the slide and asks students if they know anything about the history of the introduction of Stop and Search laws (plenary)</p> <p>Then go on to say that the original powers came from the Suspected Persons or 'Sus' laws authorising the arrest and punishment of suspected persons frequenting, or loitering in, public places with criminal intent, which formed part of the Vagrancy Act of 1824 and was repealed in 1981.</p> <p>Section 4 of the Vagrancy Act 1824 provided that: <i>every suspected person or reputed thief, frequenting any river, canal, or navigable stream, dock, or basin, or any quay, wharf, or warehouse near or adjoining thereto, or any street, highway, or avenue leading thereto, or any place of public resort, or any avenue leading thereto, or any street, or any highway or any place adjacent to a street or highway; with intent to commit an arrestable offence.</i></p> <p>Two witnesses were required to substantiate the charge, which was usually two police officers patrolling together.</p> <p>The law caused much discontent among certain sections of the population, particularly black and ethnic minorities, against whom the law was particularly targeted by the police and came under the spotlight during the riots in Bristol, Brixton, Birmingham and Liverpool during the 1980's.</p> <p>This led to changes in the law, eventually resulting in the Police and Criminal Evidence Act 1984 (PACE) that is in use today. (Knowledge)</p>



15–25mins

Slide 4: Stop and Search Section 1 PACE 1984

Trainer shows the slide and asks if anyone knows what the purpose is behind Stop and Search (plenary)

Look for:

- Detection and prevention of crime
- Disruption and deterrence of crime
- Enables officers to allay or confirm suspicion about individuals without exercising their power to arrest

Ask if anyone knows of any other options we might consider to conduct a Stop and Search. For example; which powers could we exercise? (Section 43A Terrorism Act 2000, which will be discussed in more detail in the Threat session)

Ask the students what you should think about and what the impact may be when you are considering a Stop and Search (plenary)

Look for:

- Negatives of arrest
- Public perception
- Take into account feelings if they are completely innocent
- Time taken

Trainer says; Without stop and search you would have to be a lot more intrusive and time consuming and open to scrutiny

Ask if anyone knows the legislation behind Section 1 PACE 1984 and can come up with a scenario of with regard to when this may be used. (plenary)

Look for:

An officer must have reasonable grounds for suspicion
There must be some objective basis for suspicion based on facts
Officers cannot use ethnicity to help form their grounds for suspicion

Trainer says: Powers to stop and search must be used fairly, responsibly, with respect for people being searched and without unlawful discrimination. Searches must be brief and made at or near the place of detention.

Also look for mention of: The Equality Act 2010 making it unlawful for police officers to discriminate against, harass or victimise any person on the



25-30mins	<p>grounds of the 'protected characteristics' of age, disability, gender reassignment, race, religion or belief, sex and sexual orientation, marriage and civil partnership, pregnancy and maternity when using their powers. (Knowledge) (Objective 1) Supporting Information/PP notes page PACE</p> <p>Slide 5 – Principles to Consider when using Stop and Search Powers Trainer shows the slide and goes through the 'principles' in more detail.</p> <p>Go on to say that these 'principles' were recommended by the Independent Police Complaints Commission (IPCC). The majority of Forces have adopted them within their training regime. (Knowledge) (Objective 1)</p> <p>In 2014 the College of Policing released guidelines around stop and search: "Best Use of Stop and Search Scheme". The principle idea of the scheme is to create greater transparency around stop and search, as it has recently been perceived as controversial.</p>
30-40mins	<p>Trainer Note: see Supporting Information on PP notes page.</p> <p>Slide 6: Definition: Section 1 PACE 1984 Trainer shows only the heading and asks students if they know the definition of Section 1 PACE 1984 (plenary)</p> <p>Trainer Note: explore the definition with Key Points to look for or cover: Who can use it – Detain – Vehicle – any place – stolen articles – prohibited articles – reasonable grounds.</p> <p>Trainer then shows the remainder of the slide and asks students: who can use the power? - Constable - In uniform or not - Warrant card - Must be in uniform for stopping vehicles</p>
40-42mins	<p>Go on to explain that we shall be looking at each of these aspects (detain, vehicle, etc) in later slides. (Knowledge)</p> <p>Trainer Notes: This is not the legal definition as per the legislation, but an accurate precis of it. The full definition of Section 1 PACE 1984 has been put onto a separate handout included within the lesson package.</p> <p>Prohibited Fireworks (8B) This subsection applies to any firework which a person possesses in contravention of a prohibition imposed by fireworks regulations.</p>



42-46mins	<p>(extract of an email from our Legal Department)</p> <p>As per section 1(a) of PACE, we believe that the power is conferred on CNC officers by the statement 'the public has access, on payment or otherwise, ...by virtue of express permission' as a section of the public will have access to a licensed site by gaining the permission of the SLC to be there.</p> <p>Kind Regards Amy Rathbone Trainee Solicitor 24th June 2013</p> <p>Go on to explain that we shall be looking at each of these aspects (detain, vehicle, etc) in later slides. (Knowledge) (Objective 1)</p>
46-50mins	<p>Slide 7: Detain</p> <p>Trainer shows <u>only the heading</u> and asks the students what they think the definition of 'detain' means in relation to a Stop and Search under Section 1 PACE 1984 (Plenary)</p>
50-60mins	<p>Look for:</p> <ul style="list-style-type: none"> - Reasonable grounds for suspicion - Detention may only last for as long as is reasonably required to permit a search to be carried out at the place of detention or nearby. - You should inform them as soon as the detention begins (GOWISELY) - Article 5 – ECHR <i>Right to liberty and security</i> <p>"Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in accordance with a procedure prescribed by law" (Knowledge) (Objective 2)</p>
60-75mins	<p>Slide 8: Where can the search take place?</p> <p>Trainer shows the heading only, and prompts discussion with students. Supporting Information: (explain to students following discussion) A place where the public or any section of the public have ready access (the public in general have access) Even if a place is only open to a certain age group / certain sex - it is a section of the public If a place is members only – then not open to the public If they need to pay to enter? – a football ground – still a public place (on payment or otherwise) To have expressed or implied permission – garden, driveway Expressed – given direct permission Implied – no direct permission given but the place implies it is open to public – for example a Postal Courier using a driveway The above section 1(1)(a) has previously caused doubt as to whether a</p>



75-90mins	<p>licensed nuclear site is a public place or not. However, section 1(1)(b) is relevant to a nuclear site. It has been exercised and challenged in court in similar circumstances by Home Office police, and found to be lawful.</p> <p>NEVER A DWELLING – other offences and search powers to be used – Can search someone in garden or on driveway IF YOU HAVE REASONABLE GROUNDS TO BELIEVE The person to be searched, or person in charge of the vehicle, does not reside in the dwelling, AND The person or vehicle is not at that place with the express or implied permission of a person who resides in the dwelling.</p>
90-115mins	<p>Slide 9: Stolen/Prohibited Articles Trainer shows the slide and explains the definition of ‘stolen’ as described under the Theft Act 1968 and ‘prohibited’ articles as described in the Prevention of Crime Act 1953 (Knowledge)</p> <p>(7) An article is prohibited for the purposes of this Part of this Act if it is— (a) an offensive weapon; or (b) an article— (i) made or adapted for use in the course of or in connection with an offence to which this sub-paragraph applies; or (ii) intended by the person having it with him for such use by him or by some other person.</p> <p>(8) The offences to which subsection (7)(b)(i) above applies are— (a) burglary; (b) theft; (c) offences under section 12 of the M1 Theft Act 1968 (taking motor vehicle or other conveyance without authority); (d) fraud (contrary to section 1 of the Fraud Act 2006)] and (e) offences under section 1 of the Criminal Damage Act 1971 (destroying or damaging property).</p>
115-125mins	<p>DEFENCES It shall be a defence for a person charged with an offence under this section to prove that he had good reason or lawful authority for having an article with him in a public place. It shall also be a defence for a person charged with an offence under this section to prove that he had the article with him - (a) for use at work; (b) for religious reasons; OR (c) as part of any national costume.</p> <p>Supporting Information: Offensive weapons -</p>



125-135mins	<p>This means any article which is made or adapted for use by the person or intended by the person having it with him for such use by him or some other person.</p> <ul style="list-style-type: none">- prohibited fireworks- Any article used in criminal damage (spray can)- Any other articles (going equipped, crow bar) <p>BLADED ARTICLES ARE ANOTHER CATEGORY – Should be aware of the definition</p>
135-145mins	<p>It is an offence for a person to have with him any article which has a blade or is sharply pointed in a public place without good reason or lawful authority the onus of proof being on the carrier.</p> <p>This includes a folding pocket knife if the cutting edge of the blade exceeds 7.62cms (three inches).</p> <p>Slide 10: Reasonable Grounds for Suspecting</p> <p>Trainer shows the definition under the Codes of Practice: PACE Code of Practice A which states there must be an 'objective basis' for suspicion under which a search may be carried out and based on facts, information and/or intelligence relevant to the likelihood of finding an article of a certain kind and can never be based on suspicion of 'personal' factors, especially Section 1 of Code of Practice A, Principles Governing Stop and Search and; Paragraph 1.1 which discusses using Stop and Search fairly and responsibly and, with respect and without unlawful discrimination.</p> <p>(Knowledge) (Objective 3)</p> <p>Go on to say that as officers, we can demonstrate this through the use of the mnemonic; S.H.A.C.K.S.</p> <p>Trainer Note: See Supporting Information on SHACKS etc on the PP notes page.</p> <p>Remember: You cannot search in order to find reasonable grounds (Knowledge) (Objective 3)</p> <p>Slide 11: Mandatory Requirement of Information</p> <p>Trainer asks students what the criteria is we look for when determining suspicion on 'reasonable grounds' (plenary)</p> <p>Briefly revisit SHACKS once again and then go into GOWISELY explaining that this mnemonic to be put into practice as the basis for the minimum amount of information given to a person when going into a search.</p> <p>Remind students that prejudice or assumptions can affect suspicion and this</p>



145-
180mins

cannot be a factor as it is unlawful for police to discriminate on the grounds of colour, nationality, race or national origins.

You must always keep in mind the Human Rights aspect and ensure that any search you undertake is: **P**roportionate, **L**egal, **A**ccountable and **N**ecessary. Make link to Human Rights Act session.

Trainer then discusses what you as an officer should consider before you conduct a search. Think about the NDM process and how you might apply it to this situation. (Knowledge) (Objective 3)

Trainer Note: See Supporting Information on PP notes page

Slide 12: Video

Scenario: Trainer to explain the GOWISELY 1 'Car Park' scenario and discuss with the students each aspect of the mnemonic and ask what they might say in each. Then debrief as necessary (plenary)

Trainer Shows: Stop and Search Video

Notes:

- Show video – FAST FORWARD BEFORE PLAYING TO 7.34mins
- Explain to the group to watch the video and we shall discuss the situation based on the topics we have discussed in the session.
- Show each video 'clip' beginning with 1a, then pause to discuss. Then show 1b, pause and discuss and 1c, pause and discuss. Finally, show 1d (shows youth holding out their mobile phone)

Debrief the group (Knowledge) (Understanding)

BREAK

Slide 13: To What Extent Can You Search?

Trainer begins by showing only the heading and reminding the students of their commitment and responsibility to the person's Human Rights and the impact that may have if a search is conducted incorrectly for whatever reason.

Go on to say that when police officers exercise their powers to stop and search, they will inevitably infringe on peoples rights and freedoms. Perhaps the most obvious one under the European Convention of Human Rights and the Human Rights Act 1998 is Article 5 - The right to liberty and security, although others will apply.

To justify using powers that infringe these rights, remember your actions must be lawful, necessary and proportionate.



180-195mins	<p>In addition, the use of unnecessary force to search someone more thoroughly than is necessary may infringe <i>article 3 - freedom from torture</i>, or inhuman or degrading treatment. <i>article 14 - the freedom from discrimination</i> may also be infringed if officers stop people on grounds of their race or colour when it cannot be justified.</p> <p>Trainer then links this to Section 32(4) of PACE 1984 in the Arrest Procedures lesson giving the power to stop and search as this states that: <i>The powers conferred by this section to search a person are not to be construed as authorising a constable to require a person to remove any of his clothing in public other than an outer coat, jacket or gloves but they do authorise a search of a person's mouth.</i></p>
195-210mins	<p>Then show the remainder of the slide and say; you should use the mnemonic JOG: Jacket, Outer coat, Gloves when conducting a search, although you can ask for more to be taken off, but you must make it clear that they are under no obligation to do so. – should be of the same sex</p> <p>However, you MUST, if more clothing is to be taken off, be conducted out of public view – not an empty street, not a doorway – police vehicles are OK – are as long as intimate parts are not exposed and you cannot search where it is impossible to conceal the item.</p> <p>Bear in mind, if you suspect an item is on the person being searched, think about what the item is and where you suspect it to be and then consider: Has it been moved? How small is it? What is the info/intel you've got? Etc.</p>
210-270mins	<p>Try to persuade them to handover anything to you – if they do, then arrest UNATTENDED VEHICLES – FORCE MAY BE USED – LEAVE A NOTICE ON IT. (Knowledge) (Objective 4)</p> <p>Slide 14 – Search Procedure</p>
270-300mins	<p>Trainer shows <u>only the heading</u> and reminds students to think about the GOWISELY mnemonic again and ask students to list GOWISELY (without their notes) and to consider their 'procedure' and what they need to do before they start (plenary)</p> <p>Look for: Use of NDM: Risk Assessment and impact: Warning Signs and to be aware of them.</p>
300-330mins	<p>Then reveal the slide and explain each and how they fit in to the process before the search (Knowledge) (Objective 4)</p> <p>Go on to say that when contemplating carrying out a stop and search you should undertake a dynamic risk assessment of any potential consequences</p>



330-350 mins	<p>of your actions before confronting what may be a hazardous situation. You should not knowingly put yourselves or your colleagues in danger from a potentially violent confrontation without arranging suitable back-up.</p>
350-375mins	<p>Of course, it is not possible to draw up a comprehensive risk assessment to cover all possible situations, but you should, as a minimum, consider potential hazards such as:</p> <ul style="list-style-type: none"> • Concealed weapons such as firearms or knives • Physical attack, including being bitten • HIV, Hepatitis and other communicable diseases • Body fluids • Hidden needles and sharps (Knowledge) (Objective 8)
375-395mins	<p>Make sure you inform CCC and remember to use the NDM when carrying out the process. (Knowledge)</p> <p>Board blast: Cover the way to search safely – list on Smartboard or Flipchart.</p>
395-420mins	<p>Activity:</p> <ul style="list-style-type: none"> • Ask for a volunteer – Health Check: ensure they are aware that you will touch them during the exercise.
420-460mins	<ul style="list-style-type: none"> • Conduct search demo – rear search using quarter technique and mention this links to the Arrest Procedures session and The Quadrant Search technique
460-480mins	<ul style="list-style-type: none"> • Explore use of force of as you are doing this, asking the group which legislation may be in use <p>Look for: S.117 PACE and S 3 CLA, 1967 – ask for definitions (Knowledge) (Objective 5)</p> <p>Slide 15: Important Points of Note</p> <p>Trainer recaps and covers the important points to note and says that if, as a result of questioning before a search, or other circumstances which come to your attention, there ceases to be reasonable grounds for suspecting that an article is being carried of a kind for which there is a power to stop and search, then no search may take place and you must stop.</p> <p>NOTE: IF the item for which the officer is searching is found, S.1 PACE no longer applies. Arrest, then continue the search under S.32 PACE (Search after arrest)</p> <p>Also remember that voluntary searches are unlawful. A person cannot be searched where no power to search exists, even if that person gives permission.</p>



(See **Supporting Information** on PP notes page)

(Knowledge) (Objective 7)

Slide 16: Stop and Search Video and Exercise

Scenario: Trainer to explain the GOWISELY 2 scenario and discuss with the students each aspect of the mnemonic and ask what they might say in each. Then debrief as necessary (plenary)

Trainer Shows: Stop and Search Video

Notes:

- Explain to the group to watch the video and we shall discuss the situation based on the topics we have discussed in the session.
- Show each video 'clip' beginning with 2a with 2b (just shows the two men close up) then pause to discuss.

Hand out GOWISELY exercises (2 scenarios)

- In pairs (alternate scenarios for each pair)
- Ask them to complete the GOWISELY for each one in speech style, as if they were talking to someone

Debrief the group (Knowledge) (Understanding)

Slide 17: The Form

Trainer gives out demo form on A4 paper.

- Go through what is needed and the mandatory requirement of information for the form
- Explain unit reference number is specific to site
- Hand out Stop and Search booklets
- Let the group explore them
- Reiterate info on the back

See **The Form** on PP notes for further info (Knowledge) (Objective 9)

Fill in the form

Remind students to use the **GOWISELY** scenario they had earlier
(Complete a form using the their own details for the subject)

Slide 18- Objectives

Trainer revisits the objectives, and facilitates a discussion using the **Verbal Knowledge Check** question and answers on the topics covered
(Knowledge) (Understanding)



Capability Division
Firearms Support Training

Knowledge Check 1

Hand out Knowledge Check 1 and give time to complete.

De-brief Knowledge Check 1 (Knowledge) (Understanding)

Knowledge Check 2 (Codes of Practice PACE 1984 book)

Hand out Knowledge Check 2 and give time to complete.

De-brief Knowledge Check 2 (Knowledge) (Understanding)

Any Questions

End Session



Lesson Review			
Brief description of changes/ amendments/ updates made	Date	Author	New version required? Y/N
<p>Amended – The Crime and Security Act 2010 amends PACE 1984 and creates 2 alternative recording routes for Stop and Searches in England and Wales. Time period is now 3months for requesting copy if subject is not arrested, but 12 months if arrested. See PP notes and CNC Policy CNC/PP/0650</p> <p>New book issued for Stop and Search, Copy put into lesson plan</p>		D Jones	Y
Quality Assurance checked (minor amendments. No reason for version change)	4/12/2013	M Sousa	N
College of Policing Stop and Search Best Practice Scheme included in notes (pg 4)	10/02/16	M Gavin	N
Minor amendments made to both lesson plan and PPT presentation	28/04/2016	D Harries	Y (v1.1)



Stop and Search

Introduction

Stop and search is possibly one of the most controversial powers that the police in this country possess. A look at the following circumstances may help to understand why we have these powers.

A gold chain is stolen from a market stall. The offender is seen by the stallholder and runs off. The police are called and the stallholder gives the police officers a description of the offender. The description is of a white male, 1.9 metres tall, wearing blue jeans and a grey sweatshirt. If the police see someone matching this description, what options are open to them?

Without the stop and search powers of Section 1 of the Police and Criminal Evidence Act (PACE) 1984, police officers would not have been able to search the person, and may have had to resort to the more intrusive action of making an arrest. If the person had no involvement in the offence, what might their perception of the police be?

Stop and search avoids unnecessary arrests

The introduction of stop and search powers allows police officers to avoid unnecessary arrests by, as in the above scenario, searching the person for the stolen property and eliminating that person from the investigation at an early stage. There are nearly 20 different pieces of legislation which give the police powers to stop and search vehicles and/or members of the public **without the need to make an arrest**. They range from searching for controlled drugs (Misuse of Drugs Act 1971), to searching for articles which could be used for a purpose connected with the commission, preparation or instigation of acts of terrorism (Terrorism Act 2000).

The Brixton riots of 1981

The power originated in the 1830s when it was given to the police of London and some other forces. These powers were not used effectively and by the early 1980s there were increasing calls for their reform. Matters came to a head in 1981. In that year, the Metropolitan Police ran an operation in Brixton called 'Swamp 81'. 'Swamp 81' was in response to an increase in reported street robbery and stop and search powers were used as a major tool. The use of stop and search powers impacted disproportionately on young black men and this was a contributory factor in the riots that followed.

Later that year an inquiry under Lord Scarman investigated the causes of the riots. Many complex issues were highlighted, but loss of trust and confidence in the police and policing methods, in particular stop and search, were identified as important factors. It was



recommended that the various stop and search powers be scrapped and replaced with a single power for the whole country. This later emerged as the power we have now - Sections 1 to 3 of the Police and Criminal Evidence Act (PACE) 1984.

Stephen Lawrence and the Macpherson Inquiry

The events following the death of Stephen Lawrence again put relationships between the police and minority communities in the spotlight. The Stephen Lawrence Inquiry was set up with the main task of examining the circumstances surrounding Stephen's death and the subsequent police investigation. It was also given a wider brief to identify lessons to be learned for the investigation and prosecution of racially motivated crimes. The resulting report was called the Stephen Lawrence Inquiry Report and it highlighted stops and searches as a significant source of friction between the police and, particularly, young black people. The Government largely accepted the resulting recommendations from the Stephen Lawrence Inquiry which led to Code A of the PACE Codes of Practice being amended.

Principles governing stop and search

Code A of PACE Codes of Practice governs the exercise by officers of statutory powers to stop and search a person or vehicle without first making an arrest. You should familiarise yourself with Code A and the notes for guidance. Section 1 PACE 1984 legislation is divided into two areas, a stop and search and encounters not governed by statutory powers (often referred to as stop and account).

Powers to stop and search must be used fairly, responsibly, with respect for people being searched and without unlawful discrimination. The Race Relations (Amendment) Act 2000 amends the Race Relations Act 1976 to make it unlawful for officers to discriminate on the grounds of race, colour, ethnic origin, nationality or national origins when using their powers. The intrusion on the liberty of the person stopped or searched must be brief and detention for the purposes of a search must take place at or near the location of the stop. This is explained in full later. If these fundamental principles are not observed, the use of powers to stop and search may be drawn into question. Failure to use the powers in the proper manner reduces their effectiveness. Stop and search can play an important role in the detection and prevention of crime, and using the powers fairly makes them more effective.

The primary purpose of stop and search is to enable officers to allay or confirm suspicions about individuals without exercising their power to arrest. Officers may be required to justify to their supervisory officer(s) or to a court, the use or authorisation of such powers, in relation to both individual searches and the overall pattern of their activity in this regard. Any misuse of the powers is likely to be harmful to policing and lead to mistrust of the police. Officers must also be able to explain their actions to the member of the public searched. The misuse of these powers can lead to disciplinary action.



What does this mean for you?

The work of the modern police service is demanding, but the power to conduct stops and searches effectively is vital and supports the Human Rights agenda by minimising the impact upon individuals.

Definition of Section 1, Stop Search Legislation Police and Criminal Evidence Act (PACE) 1984

In broad terms, Section 1 PACE provides that:

- A police constable may
- **detain** in order to
- **search** any **person, vehicle** or
- anything which is in or on a vehicle,
- in any **place to which the public has access**,
- if he or she has **reasonable grounds for suspecting** that
- **stolen or prohibited articles**,
- or
- **bladed or sharply pointed articles** or
- **prohibited fireworks** will be found.

any such article found during a search may be 'seized'.

The words in bold are the important words in the definition. We will look at each word, but not necessarily in the order that they appear in the definition. It is important to understand who and what we can stop and search and what gives us the grounds to be able to do so before we move onto looking at where we can conduct a search and the procedures involved in carrying out such a search.

Includes in plain clothes

Any constable can exercise this power, whether in uniform or plain clothes. However, if in plain clothes the officer must show their warrant card. Plain clothed constables can search vehicles provided they are already stopped. If it is necessary to stop a vehicle, then a constable in uniform must do this, as the power to stop motor vehicles does not extend to plain clothed officers.



Detain

The Act gives a constable power to detain a person or vehicle so that a search may be made for 'stolen, prohibited, bladed or sharply pointed articles, or prohibited fireworks'. When we talk about stop and search, the word 'stop' is in relation to detaining a person.

Detain powers allow an officer to hold people to carry out a procedure

The concept of 'detaining' someone under stop and search legislation can cause difficulties. This is probably because the word 'detain' is used in other areas of police work, for example, a custody officer authorising a prisoner's detention, and because detaining someone is very close to arresting them. The major difference between detaining a person and arresting them is that detain powers allow an officer to 'hold' people to carry out a procedure. In this case, the procedure you are carrying out is a search. When people are arrested they are detained to allow the investigation of an offence. The use of the word 'hold' here is not used in the physical sense, although the Act does give you the power to use reasonable force where necessary in order to conduct a search and even with a compliant person you will probably take hold of them during the search. 'Hold' can simply mean that for the time you are engaged with that person for the purpose of a stop and search, they are no longer at liberty to go on their way about their own business.

When considering stopping and detaining a person for a search you must have reasonable grounds to suspect they are carrying stolen or prohibited articles, bladed or sharply pointed articles or prohibited fireworks **before** you detain them. There is no power to detain a person in order to find grounds for a search (discussed later).

Your grounds to detain someone may cease once you talk to them

In certain circumstances you may have reasonable grounds to detain someone intending to search them, but when you speak to them they provide an innocent explanation.

In this case, the initial detention would have been lawful. If you continued to detain them after the explanation had been provided, the continued detention would be unlawful. If your detention for searching is not lawful and reasonable, you may also breach Article 5 of the European Convention on Human Rights – the right to liberty and security.

The detention must be reasonable

The intrusion on the liberty of the person stopped or searched must be brief, and the length of time for which a person or vehicle can be detained must be reasonable and not extend beyond the time taken for the search. A search of a person in a public place should be completed as soon as possible. If you detain someone for the purposes of a search, you should inform them of their detention as soon as it begins.



Who and what can be detained for the purpose of a search?

People and vehicles

A person or a vehicle may be detained for the purpose of a Section 1 search, provided that you have reasonable grounds to suspect that stolen or prohibited articles will be found and that the person or the vehicle is in a place defined by the Act.

The powers are wide ranging, and apply not only to vehicles, but also to vessels, aircraft and hovercraft. Parliament considered it unnecessary to provide a specific definition, stating that “one would know a vehicle when one saw it”. It is defined by the Oxford English Dictionary as:

‘a means of conveyance, usually with wheels, for transporting people, goods, etc; a car, cart, truck, carriage, sledge, etc; any means of carriage or transport.’

Reasonable grounds for suspecting

Before we look at what items we can search for and how to conduct a search, you need to understand reasonable grounds for suspecting.

Demonstrating ‘reasonable grounds for suspecting’ is the area of legislation that requires the most significant attention, partly because there can never be a hard and fast definition of reasonable grounds that will apply to every situation.

The principles surrounding reasonable grounds is the same in this legislation as it is in other areas, for example, Section 24 PACE 1984 – power of arrest without warrant for constables. However, research has produced strong evidence to suggest that in many cases grounds for stopping and searching have not been reasonable and that this area still causes difficulty for officers.

Reasonable grounds for suspicion depend on the circumstances in each case. There must be an **objective** basis for that suspicion, based on **facts, information**, and or **intelligence** which are relevant to the likelihood of finding stolen or prohibited articles or bladed or sharply pointed articles. It must be emphasised you must have this suspicion before a search can be made.

Searches are **not lawful** if they are made **in order to obtain** your reasonable grounds for suspecting you will find such an item.



Reasonable suspicion can never be on personal factors alone

Reasonable suspicion can never be supported on the basis of personal factors alone, without reliable supporting intelligence or information or some specific behaviour by the person concerned. For example, a person's race, age, appearance, or the fact that the person is known to have a previous conviction cannot be used alone or in combination with each other as the reason for searching that person.

Reasonable suspicion cannot be based on generalisations or stereotyping images of certain groups or categories of people as more likely to be involved in criminal activity. For example a particular item or style of clothing may lead you to assume that a person is a follower of a particular religion or belief, this cannot be considered as reasonable grounds for suspicion and should never be considered as a reason to stop or stop and search an individual.

Powers of stop and search must be used fairly, responsibly, with respect for people being searched and without lawful discrimination. The Race Relations (Amendment) Act 2000 amends the Race Relations Act 1976 to make it unlawful for police officers to discriminate on the grounds of race, colour, ethnic origin, nationality or national origins when using their powers. Develop ones own knowledge and practice.

Reasonable suspicion can sometimes exist without specific information or intelligence and on the basis of some level of generalisation stemming from the behaviour of a person. For example, if an officer encountered someone on the street at night who is obviously trying to hide an article, the officer may, depending on the other surrounding circumstances, base such suspicion on the fact that the person may be trying to hide a stolen or prohibited item. However, reasonable suspicion should normally be linked to the accurate and current intelligence or information, such as information describing an article being carried, a suspected offender, or a person who has been seen carrying a type of article known to have been stolen recently from premises in the area. Searches based on accurate and current legislation or information are more likely to be effective.



Factors to consider for reasonable grounds to suspect

Things that you should be considering to ascertain if you have sufficient reasonable grounds, are summarised in the mnemonic '**SHACKS**':

- Seen** - What have you seen, including actions/behaviour?
- Heard** - What have you heard, conversation, alarms, breaking glass etc?
- Actions** - Including what you did, what the person did in response and so on.
Did their actions increase or decrease your grounds to search?
- Conversation** - What did you say to them? What did they say to you? Did their reply increase or decrease your grounds to search?
- Knowledge** - What is already known about the individual in terms of intelligence rather than previous convictions? What is the time/location? Is the area a crime hot spot? Has the person been seen or pointed out by a witness?
- Smell** - Any smells that might give rise to the suspicion that drugs may be present?

Note: The above is also used when considering 'reasonable grounds for suspicion' in relation to making an arrest, therefore the last letter 'S' in relation to 'smell' has been included. **However, the power to search a person on suspicion of controlled drugs is under the Misuse of Drugs Act 1971 and not Section 1 PACE 1984.** Any one of these may start to give you the reasonable grounds for suspicion. One factor could be enough, but often you will need a combination of circumstances to provide reasonable grounds. Reasonable grounds can also be based on reliable information or intelligence. An example specifically mentioned in Code A is information that members of a particular group or gang habitually carry weapons. If the gang also wears distinctive clothing or insignia, that distinctive item of clothing or other means of identification may provide you with the reasonable grounds.

What should be remembered is that everything should be considered in context of the nature and article suspected of being carried or located in or on a vehicle.



All citizens have a civic duty to help the police

If you suspect someone on a hunch you cannot explain, you would not have reasonable grounds. A hunch may be the starting point that justifies you keeping people under observation, or speaking to them or to passers-by in order to establish whether or not there are reasonable grounds to search. A good test is to ask yourself is; **would an objective third person come to the same conclusion if they looked at all the facts so far?**

A person's unwillingness to answer your questions doesn't mean they commit an offence. Their refusal to answer your questions cannot, on its own, form the basis of your reasonable grounds, you would need other factors. Remember, if you do not have a power of arrest, or a power to detain the person in order to search them with sufficient reasonable grounds, the person is free to leave at will and cannot be compelled to remain with you by force or otherwise.

What items can be searched for?

Section 1 PACE 1984 allows you to search a person or vehicle, or anything in or on a vehicle if you have reasonable grounds to suspect that stolen or prohibited articles, bladed or sharply pointed articles, or prohibited fireworks will be found.

- **Stolen articles**

The Act does not define 'stolen articles.' An existing definition of stolen goods is to be found in the Theft Act 1968, which includes the proceeds of stolen goods.

- **Prohibited articles**

In essence, there are four types of prohibited articles defined by the Act:

- 1. Offensive weapons.**

- 2. Prohibited fireworks**

- 3. Articles for criminal damage; such as a spray can for graffiti**

- 4. Any other articles: Articles for 'going equipped'**

- **Bladed or sharply pointed articles (Articles with a blade or point)**

In addition to stolen or prohibited articles, you may also search for bladed or sharply pointed articles covered by Section 139 of the Criminal Justice Act 1988.



Where can the search take place?

A constable may exercise the power to detain and search for stolen, or prohibited articles or bladed or sharply pointed articles: a) in any place to which at the time when they propose to exercise the power, the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission;

OR

b) in any other place to which people have ready access at the time when they propose to exercise the power but which is not a dwelling.

There are several areas to clarify here:

Definition: Any Place

'Any place' includes common land, a highway, street, public car park and may include a shop, cinema, church, etc. but they must be open to the public, or any section of the public at the time, and the public must have ready access. i.e. the public in general have access to those premises.

Public or any section of the public

'The public' is self-explanatory. A 'section of the public' means a 'part of the public', even though limited by such factors as numbers, age or sex. Providing all members of the public who fit the criteria are allowed in, 'section of the public' will apply. Examples include spectators at football matches where any member of the public can buy a ticket to watch the game until all the tickets are sold, but it is limited to a section of the public because there are a maximum number of people allowed to gain entry, and each person will be required to have a ticket for the event. Similarly, a disco for people under 20 is limited to any member of the public providing they are younger than 20. Those at the disco are a section of the public. A women's action group meeting open to all women would also fall into this category. Members of private clubs are **not** a section of the public. If the women's action group meeting were only open to members of an association or society, then the meeting would no longer hold a 'section of the public'.

Access on payment or otherwise

So long as the public or a section of the public is allowed to be at a particular place the power exists, whether or not payment is required for them to be there, and whether or not they have actually paid.



The public must have permission to gain access, as of right or by virtue of expressed or implied permission

There are many places where the public have a right to be – most streets, for example. There are also many places to which the public have access, but do not have a right to be. Where there is no right to be in a particular place, the public must have permission to gain access. This permission can be expressed or implied.

Meaning of expressed and implied permission

‘Expressed permission’ is permission which has been directly given, for example in the bar of a hotel where a sign says ‘bar open to the public’. ‘Implied permission’ means no direct permission is given but everything about the premises implies that the public have permission to be there. An example is a shop during opening hours. The doors are open and the customers are served by the staff. No sign gives specific permission for the public to enter, but the obvious implication is that they are allowed to be there. This section never applies to dwellings.

People have ready access (Never applies to a dwelling)

Even in situations which are not covered by the definitions above you may still have a power where ‘people have ready access’ to a particular place. For example, a street on an industrial estate is not a right of way, and there are signs displayed informing the public they do not have permission to be there. However, if there are no physical obstructions or barriers preventing people entering the street you could still use your powers. This section applies if a place is physically accessible to the public. Whether or not people have permission to be there is irrelevant. Again, the important exception to this is dwellings. You cannot use the ‘ready access’ test to justify entering dwellings.

Dwelling (You can never use Section 1 PACE to search a person in a dwelling)

You can never carry out a Section 1 PACE search in a dwelling. Under this Act you can search people in the gardens or yards attached to dwellings, but only in certain closely defined circumstances. You must have reasonable grounds for **believing** that:

- The person to be searched, or person in charge of the vehicle, does not reside in the dwelling,

and

- The person or vehicle is not at that place with the express or implied permission of a person who resides in the dwelling.



Notice that the Act uses the word 'believing' and not suspecting as we have previously discussed. Reasonable grounds to believe will require a much stronger level of objective facts than 'suspecting'. An example could be that you have completed an address check on the individual found in the garden of a dwelling and found that they do not live there, they do not have a key for the house and are saying that they are accidentally locked out; the occupants are away and a neighbour is telling you that they have never seen this person as a family friend or visitor to the address before.

To what extent can I search a person?

Searching covers a range of actions, from requiring people to turn their bags or pockets out, to physically searching their clothing yourself. There are some important distinctions in how far you can search clothing.

Your search in public is restricted to 'JOG'

You can search clothing in a public place, but only outer clothing. Under Section 1 PACE 1984 there is no power **to require** people to remove clothing other than an outer coat, jacket or gloves in public place. Hats and shoes are not classed as outer clothing under this legislation. An easy way to remember what items you can **require them to** remove in public is by the mnemonic 'JOG':

Jacket

Outer coat

Gloves

There is nothing to prevent you asking the person voluntarily to remove more than outer coat, jacket or gloves in public, if they are willing to do so, but you must be careful to make it clear to the person being searched that they are under no obligation to comply.

Limitations on the search

A search in public of a person's clothing which cannot be removed must be restricted to superficial examination of outer garments. This does not, however, prevent you from placing your hand inside the pockets of the outer clothing, or feeling round the inside of collars, socks and shoes if this is reasonably necessary in the circumstances to look for the object of the search or to remove and examine any item reasonably suspected to be the object of the search.



Removing more than 'JOG'

There may be circumstances where you need to require someone to remove more than an outer coat, jacket or gloves. This can be done, but only out of public view. You can use police vehicles for this if no intimate parts of the person's body are going to be exposed. You can do the search at a police station, but wherever you do the search it must always be 'at or nearby' the place where the person was originally detained.

Even when a street is empty it is not classed as 'out of public view'

When taking a person to a place out of public view, the place should be located within a reasonable travelling distance using whatever mode of travel (on foot or by car) is appropriate. Remember a street, even when empty at the time, does not count as 'out of public view'. If your search is to go beyond removing outer coat, jacket, gloves, headgear or footwear, then the person searching should be of the same sex as the person being searched. There should be no one present who doesn't need to be there, and no person of the opposite sex present when you remove the clothing, unless the person being searched specifically requests it.

What should you consider when deciding how far a search is going to go?

How far you search must depend on what you suspect is being carried, and by whom.

For example, you may see a person slip a knife into their pocket. Providing the person has not had a chance to move it, and you don't suspect they have anything else on them; the only place you could search is the pocket where you suspect the knife to be. At this stage you know exactly what you are looking for and where you suspect it is.

You cannot search where it would be impossible to conceal an item

If, however, the person had been out of your sight, even for a short period, the knife could have been moved anywhere. The least intrusive action would be, if possible, to make a quick search of any area where it may have been possible to dispose of the knife. If the knife is not located, then your reasonable grounds to suspect that the item is still on the individual originally seen with the knife still remain.

Under these circumstances you can now search the person wherever the knife could be concealed, but not places where it would be impossible to conceal it. Obviously, the smaller the item you are looking for and the less you know about where it is, the further you can search. It is all a question of what is reasonable in each individual situation.



There is no such thing as a voluntary search

You should always seek the co-operation of the person to be searched. The person may voluntarily produce the article you are searching for, but be aware that even when done so voluntarily this would still be regarded as a search under PACE and will be required to be recorded. There is no such thing as a voluntary search, all searches are recordable. You must not search a person even with their consent where no power to search exists in the first instance.

Try to persuade the person to cooperate

The other extreme would be a refusal to allow you to search. This is not a desirable situation, and you should do your best to persuade the person to co-operate. You can use force to search, but only if it has been established that the person is unwilling to co-operate or resists. The disproportionate use of force may amount to a violation of Article 3 of the European Convention of Human Rights, the Article preventing torture, inhuman or degrading treatment. Whenever you search someone, compliant or resisting, there are many potential threats to your personal safety. Consider these before you start to search someone and be aware of your local search risk assessments.

Unattended vehicles

Force may be used (if unavoidable) to enter unattended vehicles in order to search but should only be used if unavoidable. After searching an unattended vehicle, or anything in or on it, you must leave a notice in or on the vehicle that it has been searched, (discussed later). The vehicle must, if practicable, be left secure. If searching unattended vehicles you should exercise caution and bear in mind your personal safety and that of others.

Procedure before search

If you are detaining someone for the purpose of a search you must inform them of their detention as soon as it begins. Before any search of a detained person or attended vehicle takes place you must take reasonable steps to give the person to be searched or in charge of the vehicle the following information:



Information that you must give before you search a person (GOWISELY)

- your name and the name of the police station to which you are attached (in cases involving terrorism or other specific danger to you as an individual, you need only give your collar number)
- if in plain clothes you must show your warrant card
- the legal search power you intend to use, for example, Section 1 PACE
- the fact that they are entitled to a copy of the record
- a clear explanation of:
 - the object/purpose of the search in terms of the article being searched for, and
 - your grounds for suspecting possession or in the case of powers which do not require reasonable suspicion, the nature of the power and the fact that an authorisation has been given.

This might seem to be a lot to remember.

It does not matter in which order the information is given, so long as it is given clearly to the person who will be searched, or the owner or person in charge of the vehicle that will be searched, **before** the search begins.

The mnemonic GO-WISELY is designed to help you to remember this essential information. **You should learn this by heart.**

Grounds for search

Object and purpose of search

Warrant card (if in plain clothes or requested)

Identify of officer

Station to which attached

Entitlement to a copy of the search record

Legal power used

You are detained for the purposes of a search



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If, for any reason, the person does not appear to understand what is being said or there is any doubt about their ability to understand English, **you must take reasonable steps** to bring the necessary information to their attention. If the person has someone with them then the officer must try to establish whether that person can interpret or otherwise help them to give the required information. Be aware that as a general rule any member of the public should be allowed to observe you carrying out stop and searches as long as the person who is being searched does not object. The **dignity and privacy** of the individual being searched is of paramount importance and must always be considered.



You must make a record of the Procedure after search

Once you have completed a search you must make a record of the search at the time and give a copy of it immediately to the person being searched or the person in charge of the vehicle. You must do this unless there are exceptional circumstances which would make this wholly impracticable; for example in cases of serious public disorder or when the searching officer's presence is urgently required elsewhere. If a record is not made at the time, you should inform the person searched of their entitlement to a copy of the record if application is made within 3 months, and to which police station they should apply. When you give the copy of the search record the Code of Practice states that you should also give the person information on police powers of stop and search and the rights of the public in such situations. Many forces have addressed this by having the information printed on the person's copy. There are local variations between different stop and search forms, and you should ensure you familiarise yourself with the local version that you will be using.

What information is required?

You should ask the person you are searching for their name, address and date of birth. They are not obliged to provide these details and you have no power to detain a person to obtain their details.

This information must be recorded

The record must be made on the appropriate form provided for this purpose and must include the following information:

- **the name of the person being searched – if they decline to give this, you must record their description**
- **a note of the person's self-defined ethnic background or (if declined) a description**
- **when a vehicle is searched, its registration number**
- **the object or purpose of and grounds for the search (or authorisation)**
- **its outcome**
- **the date, time and place detained and the date, time and place searched (if different)**
- **a note of any injury or damage to property**
- **the identities of officers involved. In cases involving terrorism or personal danger to yourself or family you are only required to identify yourself by number.**

The above will be clearer when you see the form, you work your way through it.

One record per person or vehicle



All the officers engaged in the search must be recorded on the record.

A record is required for each person or vehicle searched. **However**, if the person is in a vehicle and both are searched, only one record need be completed if the object and the grounds of the search are the same.

If only a vehicle is searched, the name of the driver and his/her self-defined ethnic background must be recorded, unless the vehicle is unattended.

You must record the grounds for making a search briefly, but informatively. In the case of Section 1 PACE searches, explain your reasons for suspecting the person concerned by referring to their behaviour and any other circumstances.

If you later decide not to search, a record must still be made

If you stop a person with a view to searching them and, for whatever reason, you subsequently do not perform the search; a search record must still be completed. If you search an unattended vehicle you must leave a notice in or on it recording the fact that it has been searched, and stating where to get compensation if it is damaged. It should also show the name of the police station to which you are attached and from which station to get a copy of the search record.

16+1 System of Self Defined Ethnic Background

Code A details the procedure for monitoring the ethnicity of the person stopped or searched to the '16+1' system of self defined ethnic background. The ethnic classification should be coded for recording purposes using the coding system outlined next to this column. An additional 'not stated' box is available but should **not be offered** to the person explicitly. You should be aware and explain to members of the public, especially where concerns are raised, that this information is required to obtain a true picture of stop and search activity and to help improve ethnic monitoring, tackle discriminatory practice, and promote effective use of the powers.

White W

White – British W1

White – Irish W2

Any other White background W9

Mixed M

White and Black Caribbean M1

White and Black African M2

White and Asian M3

Any other Mixed background M9

Asian A

Asian – Indian A1



Asian – Pakistani A2

Asian – Bangladeshi A3

Any other Asian background A9

Black B

Black – Caribbean B1

Black – African B2

Any other Black background B9

Other O

Chinese O1

Any other O9

Not Stated NS

The ‘not stated’ category

If the person gives what appears to the officer to be an ‘incorrect’ answer, the officer should record the response that has been given, but also record their own perception of the ethnic background of every person stopped and this must be done by using the PNC/Phoenix classification system. If the ‘not stated’ category is used, the reason for this must be recorded on the form.

Summary

Having completed this session, you should be able to determine whether reasonable grounds and legal authority have been established to conduct the search of an individual or vehicle using Section 1 PACE 1984 powers. You will be able to conduct searches in line with legislation, policy and procedures and complete the required documentation.

	Last Reviewed	By Whom	Signature
Author	04/10/13	██████████	
Proof Read			
Diversity Check			
Legal Check			
Approved By			



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Stop and Search

Section 1 PACE

Lesson Outcomes

- State the power to Stop and Search as defined by Section 1 PACE 1984
- Explain the meaning of; detain, any place, stolen and prohibited articles and reasonable grounds for suspicion
- Explain how bias and prejudice can affect judgement
- Explain the requirements placed on constable when conducting a search
- Explain the essential info that must be given prior to a search (GO-WISELY)
- Explain best practice in relation to a lawful search
- Explain the impact of Section 3 CLA 1967 and Section 117 PACE
- Suggest methods to ensure officer safety throughout search
- Explain the requirements of a constable after search



Stop and Search, Section 1 PACE 1984

What is the purpose of Stop & Search?

Principles to consider when using Stop and Search Powers

1

Fairness - An officer should be able to answer the question, 'Why did you stop me?' It is not enough to say, 'Because I can,' or 'I don't have to give a reason.'

2

Effectiveness of the Stop and Search Powers - If search powers never seem to result in crime prevention / detection they are viewed by the public as an excessive intrusion.

3

Maintenance of Public Confidence - Inappropriate use of search powers will create hostility, undermine trust and cause a loss of public confidence.

Section 1 PACE 1984

Section 1 of the Police and Criminal Evidence Act 1984 creates the power for a constable to stop and search persons and vehicle.

A police constable may **detain** in order to search any person, **vehicle** or anything which is in or on a vehicle, in **any place** to which the public has access, if he or she has **reasonable grounds for suspecting** that **stolen** or **prohibited articles** (including **bladed** or **sharply pointed articles**) or **prohibited fireworks** will be found.

Any such article found during a search may be 'seized'.

- Detain a person or vehicle
- The word 'stop' is in relation to detaining a person
- Difference between detain and arrest
- There must be reasonable grounds for suspicion
- The time for which a person or vehicle are detained may only last for as long as is reasonably required to permit a search to be carried out at the place of detention or nearby.

Detain



Remember:

Under **Article 5** of the **European Convention on Human Rights**:

“Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in accordance with a procedure prescribed by law”

Vehicle

Powers apply to not only to vehicles, but includes Vessels, aircraft and hovercraft

Oxford dictionary

‘A means of conveyance, usually with wheels, for transporting people, goods etc; a car, cart, truck, carriage, sledge, etc; any means of carriage or transport’



Where can the search take place?

(1) A constable may exercise any power conferred by this section—

(a) in any place to which at the time when he proposes to exercise the power the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission; or

(b) in any other place to which people have ready access at the time when he proposes to exercise the power but which is not a dwelling.

Reasonable Grounds

Reasonable grounds for suspicion is the legal test which a Police Officer must satisfy before they can stop and detain individuals or vehicles to search them under the powers such as Section 1 PACE.

The test must be applied to the particular circumstances in each case and is in TWO parts...

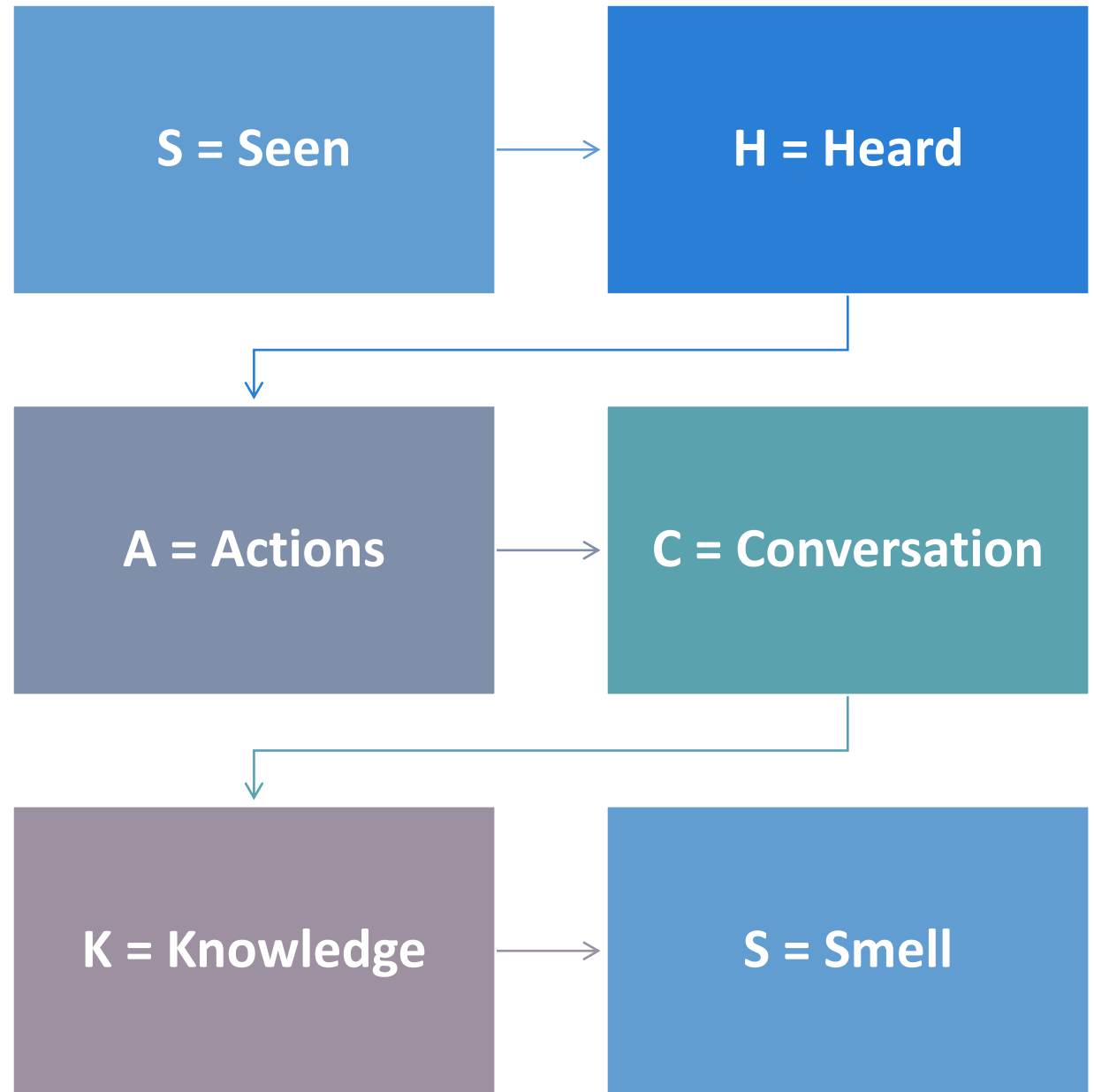
Part 1

The Officer must have formed a genuine suspicion in their own mind that they will find the object for which the search power is being exercised.

Part 2

The suspicion that the object will be found must be reasonable. This means that there **MUST** be an objective basis for that suspicion based on facts, information and/or intelligence which are relevant to the likelihood that the object in question will be found so that; a reasonable person would be entitled to reach the same conclusion based on the same facts and information and/or intelligence.

Reasonable Grounds for Suspicion



Stolen/Prohibited Articles

Stolen:

Dishonestly appropriated property belonging to another with the intention of permanently depriving the other of it.

Prohibited :

Includes

- Offensive weapons/ bladed or sharply pointed articles
- or items in connection with
- Burglary
- Theft
- Taking a conveyance
- Fraud
- Destroying or damaging property
- 'Going equipped'

Fireworks



To what extent can you search?

You cannot require a person to remove clothing in public other than:

Jacket
Outer Coat
Gloves

You cannot search where it is impossible to conceal the item

Where possible conduct same sex searches.

Unattended vehicle?- Leave note on it!



Voluntary and Refusal

No such thing as a voluntary search- You must not search a person even with their consent where no power to search exists in the first instance

You should do your best to persuade the person to co-operate.

You can use force to search, but only if it has been established that the person is unwilling to co-operate or resists. Consideration for article 3 ECHR

There is no specific power of arrest under Section 1 PACE for refusing to be searched or resisting a search

Unattended vehicles

Note must be left with the vehicle stating it has been searched

Name of police station officer is attached

Must, if practicable, be left secure

Go WISELY

Grounds for search

Object and purpose of search

Warrant card (if in plain clothes or requested)

Identify of officer

Station to which attached

Entitlement to a copy of the search record

Legal power used

You are detained for a search



Video

Practical Scenario:

- Suspicious male in car park, officers approached by member of staff pointing this male out.
- Go away in pairs and carry out GO WISELY for this scenario (10 mins)

Search Procedure

Before you conduct a search, consider:

- **Risk Assessment**
- **Warning Signals**
- **Inform CCC**
- **Back-up**
- **National Decision Making Model**



Points of Note

- If grounds for search cease – you must **stop**
- **If item is found – arrest, and continue with S32 PACE**
- There is no such thing as a voluntary search.
- If you find stolen or prohibited articles, you have a power to seize them
- Juveniles & mentally vulnerable adults
- Bias and Prejudice
- Same sex searches only where possible, and in **all** cases where more than JOG or religious headwear is being removed

Effective Search

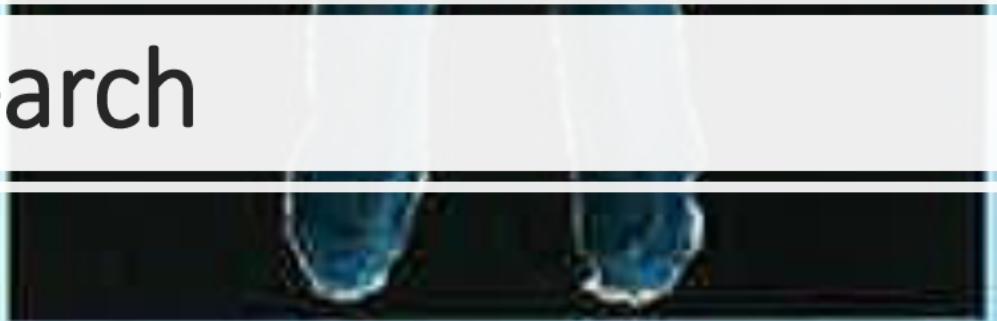
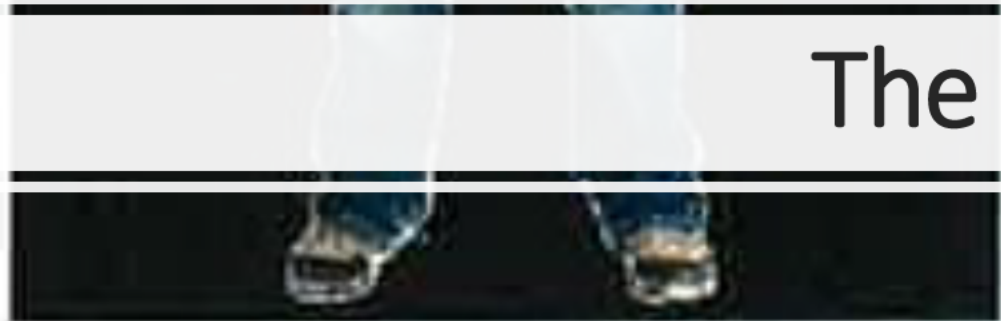
An effective person search should always be :-

- Systematic
- Thorough
- Safe





The Quadrant Search



Procedure after Search

- Make record of the search at the time and give a copy immediately to the person or person in charge of vehicle
- This must be done unless exceptional circumstances which would make this wholly impracticable
- If not made at the time, entitlement to a copy, if application is made within 3 months.
- Inform them of documentation on reverse of slip outlining police power of stop and search and public rights

Information that must be recorded

- A note of the person's self-defined ethnic background or (if declined) a description
- When a vehicle is searched, its registration number
- The object or purpose of and grounds for the search (or authorisation)
- The identities of officers involved. In cases involving terrorism or personal danger to yourself or family you are only required to identify yourself by number.
- If the person refuses or declines to provide any of their details, the officer should record a description of the person

1510 Form

CIVIL NUCLEAR CONSTABULARY

STOP OR SEARCH RECORD

Person Stopped (stopped and searched) YES NO

Name

Address

Date of Birth

Description of person stopped (including clothing) (If details not known)

Height Sex: M F

Ethnic classification Self Defined Officer Defined

Clothing removed? Yes No If 'Yes', list items

Vehicle stopped? Yes No Searched? Yes No

Vehicle attended? Yes No

Damage caused? Yes No VRM

The reason for the stop search was (please the box that applies:)
(These sections of the relevant Acts are summarised on the cover)

s.1 s.23 s.47 s.139b s.60 Other Power

Stop Drugs F/Arms Sharps Violence Please Specify

Search

Place first stopped (show a junction)

The search took place on: Date Timeam/pm*

at(place)

Object: F/arms Stolen Prop Drugs Offensive Weapons

Articles for use in:- Burglary Deception Theft Sharps

Other

Grounds or Authority for search

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RESULT If vehicle/person searched: Property found Yes No

Details

Arrested? Yes No Offence

If 'No', other outcome (e.g., Reported, Verbal Warning, NFA report, etc) ..

Copy of record supplied at time of search/stop? Yes No

Reason no record supplied:

Public disorder Urgently required elsewhere Form Refused

Officers searching

Names, rank, No. Warrant No. and station (Warrant No. only if counter terrorism search)

Sig (PRINT NAME)

(Officer completing record)

Supervised by:

Sig (PRINT NAME)

CIVIL NUCLEAR CONSTABULARY

INFORMATION FOR PEOPLE STOPPED AND SEARCHED

- Police Officers are required to use powers of stop and search fairly and without prejudice. They are also required to be as considerate and courteous as possible whilst maintaining the public's and their own safety.
- Stop and search powers allow the police to search you, the car you are in or any item you are carrying. They also allow police officers to search unattended vehicles.
- When exercising these powers police officers can use reasonable force to detain and search you but they are only allowed to use force if you have been given the chance to co-operate, where appropriate, and you have refused.

WHAT THE POLICE OFFICER MUST DO

Before using any search power the officer must take reasonable steps to give you the following information:

- His / her name (except for terrorism searches) and the police station he/she is from
- The object of the search - What he / she is looking for
- The grounds or authorisation for the search - Why he / she is searching you
- Your entitlement to a full copy of the search record now or if this is not practicable, within twelve months
- If not in uniform, the officer must show his/her warrant card
- In a public place you do not have to remove any more than your coat, jacket and gloves
- If required to remove your shoes, socks or headgear, you will be taken somewhere more private such as a police van/police station
- If required to remove more than this, you must be taken to a police station or a private place. In this case the officer must be of the same sex.

The following information is intended to help you understand stop and search powers. It is only a guide for your information and is **NOT** intended to cover all aspects of the law in this area.

EXPLAINING POLICE POWERS TO STOP AND SEARCH KNOW YOUR RIGHTS!

GENERAL CONTACT

The police can speak to, or question you, or any other person during the course of their duties. However, they can only stop and search you against your will in certain circumstances. Some of the powers police officers use to stop and search are outlined below.

SEARCHES REQUIRING REASONABLE SUSPICION INCLUDE:-

- Sec. 1 Police & Criminal Evidence Act 1984
- Sec. 23 Misuse of Drugs Act 1971
- Sec. 47 Firearms Act 1968

The police have the power to detain you and/or your vehicle, for the purposes of a search if they have reasonable grounds to suspect that you have with you:

- Stolen property
- A knife, pointed or bladed article or other offensive weapon -
- Controlled Drugs
- A firearm
- Articles that can be used for burglary, theft or deception -

Before detaining you for the purpose of a search for the above items the police must have reasonable grounds for suspecting that the item will be found. They cannot detain you for the purpose of a search on personal factors alone.

That is to say that the police cannot stop and search you just because you are ...

- Young
- From a minority ethnic group
- Dressed in a particular way (unless you fit the description of someone the police are seeking in connection with a crime or a member of a known gang who carry weapons)

Your vehicle may also be searched under these powers when it is unattended. If so, a notice must be left in or on it by the searching officers stating that they have searched it and the name of their police station. If your car is damaged during a search you may be entitled to compensation. However, if the officers find evidence of an offence you may not. You can apply for a copy of the search record within 12 months from the police station.

STOPPING A MOTOR VEHICLE ON A ROAD

SECTION 163 ROAD TRAFFIC ACT 1988

A police officer in uniform can also stop and examine any vehicle and speak to the driver. They do not need to suspect you of having committed any offence. They can also require you to produce your driving documents for the vehicle at a police station if you are not able to show them at the time. The power to stop and examine a motor vehicle does not give a right of search. If the police want to search your vehicle without your consent they have to do so under a specific search power.

COMPLAINTS

If you think you have been treated unfairly, you can always complain by contacting:

- Your local police station
- Your local Police Authority
- The Citizens Advice Bureau
- A solicitor
- The Racial Equality Council

The telephone numbers can be found in your local telephone directory.

Lesson Outcomes

- State the power to Stop and Search as defined by Section 1 PACE 1984
- Explain the meaning of; detain, any place, stolen and prohibited articles and reasonable grounds for suspicion
- Explain how bias and prejudice can affect judgement
- Explain the requirements placed on constable when conducting a search
- Explain the essential info that must be given prior to a search (GO-WISELY)
- Explain best practice in relation to a lawful search
- Explain the impact of Section 3 CLA 1967 and Section 117 PACE
- Suggest methods to ensure officer safety throughout search
- Explain the requirements of a constable after search

