

# STOP AND SEARCH POLICY

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## STOP AND SEARCH

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## Legal Basis

### *Legislation specific to the subject of this policy document:*

- Police and Criminal Evidence Act 1984 and Codes of Practice (Section 1)
- Misuse of Drugs Act 1971 (Section 23)
- Firearms Act 1968 (Section 47)
- Criminal Justice and Public Order Act 1994 (Section 60)
- Terrorism Act 2000 (Section 47)
- Psychoactive Substances Act 2016

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- [Police, Crime, Sentencing and Courts Act 2022](#) (Section 32A)
- [Air Traffic Management and Unmanned Aircraft Act 2021](#) (Schedule 8)

## Other relevant legislation which you must check this document against (required by law)

- Human Rights Act 1998 (in particular A.14 – Prohibition of discrimination)
- Equality Act 2010
- Crime and Disorder Act 1998
- Health and Safety at Work etc. Act 1974 and associated Regulations
- General Data Protection Regulation (GDPR) and Data Protection Act 2018
- Freedom Of Information Act 2000
- The Civil Contingencies Act 2004

## Other documentation which you must check this document against:

- College of Policing – Code of Ethics
- Norfolk and Suffolk Constabularies' Standards of Professional Behaviour
- College of Policing – Authorised Professional Practice
- Psychoactive Substances Policy
- Body Worn Video Policy

### 1. Statement of Policy

- 1.1 This policy has been formally agreed via the approved policy development/review process. It will be maintained by the Joint Force Stop and Search Portfolio holder in conjunction with the Central Policy Unit.
- 1.2 The policy is intended to promote equality, eliminate unlawful discrimination and actively promote good relations regardless of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, economic or family status.
- 1.3 Managers have a responsibility to ensure this policy is applied fairly, and unless otherwise stated, all policies and procedures are non-contractual.

### 2. Introduction

- 2.1 Stop and Search is the practice whereby members of the public are searched by police officers when they are suspected of possessing stolen or prohibited articles or offensive weapons, to allay or confirm suspicions about individuals without exercising the power of arrest.
- 2.2 Stop and Search can play an important role in the detection and prevention of crime and using the powers fairly makes them more effective. Therefore, use of these powers requires discretion, judgement and sensitivity and Norfolk and Suffolk Constabularies will support officers who use these powers in appropriate circumstances.

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- 2.3 Stop and Search is an intrusive power, and we must not lose sight of the adverse effect it can have on the subject and wider communities, therefore it is paramount that officers are confident in their power to stop and search and conduct themselves in a manner taking cognisance of these facts thereby ensuring that any interaction is seen as a professional one.
- 2.4 Norfolk and Suffolk Constabularies are focussed on using the power against those crimes which cause most harm and to target priority crime such as knife/weapons and class A drugs possession with intent to supply, e.g. County Lines drugs gangs, and burglary/robbery. Community confidence can be increased with positive use of the power; use should be based on intelligence (as opposed to an overall increased use of the power) in order to maintain and enhance the Constabularies' improving positive outcomes rates.

### 3. Policy Aim and Scope

- 3.1 This policy should be read in conjunction with PACE Code A and the College of Policing Approved Professional Practice (APP) regarding Stop and Search.
- 3.2 The aim of this policy is for officers to improve the quality and effectiveness of interactions with members of the public during stops. Norfolk and Suffolk Constabularies support the appropriate use of stop and search powers by officers to target criminality and terrorism. There should be no set targets for stop and search. The overall ethos is on quality not quantity of stops – the quality of each stop and search/stop and account will influence public confidence in the use of stop and search powers. Community confidence can be increased and there can be a positive contribution to reducing the fear of crime. Powers should be used with the support and trust of all communities and individual members of the public should be treated with dignity and respect. Developments in this area of policing will prevent any negative effect on community relations.
- 3.3 This policy provides guidance in relation to searches that require reasonable suspicion. These searches can be completed under the following legislation:
- Section 1 and 6 Police and Criminal Evidence Act 1984
  - Section 23 Misuse of Drugs Act 1971
  - Section 47 Firearms Act 1968
  - [Air Traffic Management and Unmanned Aircraft Act 2021](#)

*This is not an exhaustive list; for a full list of the main stop and search powers, see Annex A of Code A.*

- 3.4 Guidance is also provided in relation to searches that do **not** require reasonable suspicion to decide who to stop and search:
- Section 60 Criminal Justice and Public Order Act 1994
  - Section 47 of the Terrorism Act 2000.

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- Serious Violence Reduction Orders Section 165 Police, Crime, Sentencing and Courts Act 2022

3.5 Positive leadership and commitment is required from chief officers together with determination from managers, supervisors and officers conducting stop and searches/stop and accounts to ensure that their responsibilities for the effective and fair use of this tactic are maintained. Research has shown that people stopped are more likely to be satisfied if they are treated with respect, dealt with politely and given a clear reason and explanation for the search.

## 4. Implications of the Policy

4.1 Stop and search can play an important role in the detection and prevention of crime. It must be used fairly, proportionately and in accordance with the relevant legislation, including the Human Rights Act 1998 and the Equality Act 2010.

4.2 The manner in which searches are undertaken will be a key factor in maintaining the trust and confidence of the communities we serve. All stop and searches will be conducted objectively with courtesy, consideration and respect of the person concerned. The officer conducting the search must give a full explanation to support the reasons for conducting such activity.

4.3 APP prohibits discrimination harassment or victimisation based on protected characteristics. It is unlawful for an officer to base the decision to stop and/or search a person solely based on protected characteristics. These are: age; disability; gender re-assignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex or sexual orientation. Any searches should be made on objective grounds based on intelligence or observable behaviour and not because of protected characteristics. Where practicable, reasonable effort should be made to ensure the reliability of information and intelligence, thus negating any malicious intent of the source.

4.4 Biases can have discriminatory effects, whether that bias is conscious (explicit) or unconscious (implicit):

- Conscious bias is a prejudice of which the person who holds it is aware, e.g., an officer who has a negative or positive view of a particular group. If the officer acts on that prejudice by treating that particular group differently to others, whether to the person's advantage or disadvantage, the result is overt discrimination.
- Unconscious bias and stereotyping are more difficult to identify and address because people are often unaware of using mental shortcuts to make sense of people and situations that might be new, different or unfamiliar. As these tacit processes are influenced by the person's experiences and background, they will vary between people but may reflect the biases and stereotypes that exist in wider society.

4.5 At a practical level, when using stop and search powers, officers should remain professional at all times and focus on basing their decisions on objective factors

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and ensuring they can explain why they have made the decision, with reference to specific detail. If they can explain their reasoning clearly to someone else, the decision is less likely to be based on unconscious factors. The following checklist should be applied to decision making for all stop and searches:

<b>P</b>	Actions must be <b>proportionate</b> to the purpose. Actions must be fair and achieve a balance between the needs of society and the rights of the individual.
<b>L</b>	There must be a <b>legal</b> power or purpose. Actions must be supported by legislation or stated cases. Officers must know basic powers in relation to this area of policing.
<b>A</b>	Officers are <b>accountable</b> and actions will be open to scrutiny and should be fully recorded including the options considered. Influencing and non-influencing factors should be included.
<b>N</b>	Action taken must be <b>necessary</b> in the circumstances. Any infringement of rights must be justified.
<b>B</b>	Use of <b>best information</b> available. All decisions must be based on the best information available at the time. Officers should consider the reliability of the information they receive.

### 5. Best Use of Stop and Search (BUSS) Scheme

5.1 The principle aims of the Best Use of Stop and Search (BUSS) Scheme are to achieve greater transparency, community involvement in the use of stop 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 BUSS are:

- Data recording – recording a broader range of stop and search outcomes and show the link, or lack of one, between the object of the search and its outcome.
- Lay observations – providing the opportunity for members of the community to carry out Lay Observations by accompanying police officers on patrol with a view to observing ‘live’ stop searches that occur naturally.
- Stop Search complaints ‘community trigger’ – Any complaint made relating to Stop Search will be referred to the Independent Stop Search Scrutiny Panel (ISSSP). The panel, made up of members of the community, will provide scrutiny on stop search policies and practises and act as a ‘critical friend’ to help improve our service.

5.2 Norfolk and Suffolk Constabularies are committed to making public any departures from the scheme. In the first instance this will be achieved by informing the ISSSP; the ISSSP will advise Norfolk and Suffolk Constabularies what level of publicity is appropriate once having considered the severity of the departure and reason why. (See also the Scrutiny section).

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## 6. When to Conduct a Search

### Reasonable Grounds

- 6.1 It is the responsibility of each and every individual officer to make the decision over whether reasonable grounds exist.
- 6.2 Reasonable grounds for suspicion are the legal test which a police officer must satisfy before they can stop and detain people or vehicles (attended or otherwise) in order to carry out a search. The European Courts have defined this as 'Reasonable Suspicion supposes the existence of facts or information which would satisfy an objective observer that the person concerned may have committed an offence'.
- 6.3 There is no such thing as a voluntary search. A search must NOT be carried out unless there is a legal right to do so.
- 6.4 There must be an objective reason for the search, based on facts, information and/or intelligence that the object will be found. This means that a reasonable person would be entitled to reach the same conclusion based on the facts available to the searching officer.
- 6.5 Where a search is intelligence led it should be based on recent and reliable intelligence. Whilst there are no definitions as to what is considered "recent" intelligence, those that are over three months old, and in the absence of other factors (recent arrests etc.), should be treated with caution, and rationale given in those particular circumstances.
- 6.6 Reasonable grounds for suspicion must not be based on personal factors. Personal factors include:
  - physical appearance, including protected characteristics;
  - previous convictions;
  - stereotypical images and generalised assumptions about persons belonging to a particular group.
- 6.7 Personal factors must play no part in the decision making unless there is information or intelligence which gives a specific description of a person likely to be carrying a prohibited item with reference to personal factors. In that case, the fact that a person matches the description, not the personal factors themselves, may provide reasonable grounds.
- 6.8 Reasonable Grounds must be recorded in a manner that a member of the public could read the form and easily understand why the Stop and Search has taken place.
- 6.9 Norfolk and Suffolk Constabularies have adopted the "SEE, KNOW, SUSPECT" model for the recording of Reasonable Grounds, which puts the grounds in to easily understood sections:

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- **SEE:** The primary reason for the stop and search will ALWAYS be the behaviour of the subject as observed by the officer (this can include events “seen” by a third party such as a witness or CCTV operator).
- **KNOW:** In most circumstances there will be information that supports the officer’s decision to search.
- **SUSPECT:** Officers should articulate clearly what suspicion they have formed to justify the search. This must link to what the officer (or third party) has seen and the intelligence known to them.

#### Detaining for the purpose of a Search

- 6.10 A person can be detained for the purpose of a search and reasonable force can be used if proportionate and necessary. The detention must take place at or near the place where the person was first stopped; the duration of detention should be kept to a minimum and they should be informed of the grounds for the search.

#### Just Outer Clothing (Jacket, Outer Coat and Gloves (JOG))

- 6.11 This is a search where there is no removal of clothing other than a jacket, outer coat or gloves (PACE Code A, paragraph 3.5). This can be conducted by an officer of any sex, in or out of public view and does not require the presence of an appropriate adult (where the person searched is a child (under 18 years) or vulnerable adult). Where a child is searched, a safeguarding referral must be completed and consideration given to contacting the child’s parents/guardian or carer post search. Body Worn Video must be used to record the full interaction and search unless there are exceptional reasons not to do so.

#### More Thorough Search (MTS)

- 6.12 This involves the removal of more than just outer clothing but does not reveal any intimate body parts (PACE code A, paragraph 3.6). This must be conducted out of public view and should be conducted by an officer of the same sex unless only headgear or footwear is removed. Where a child or vulnerable adult is searched, a safeguarding referral must be completed and consideration given to contacting the child’s/vulnerable adult’s parents/guardian or carer. BWV should be used to record the interaction and search. Officers should consider the extent of the search and may divert the BWV away at any sensitive points.

#### Exposing Intimate Parts (EIP)

- 6.13 This is a search involving the removal of outer clothing which exposes intimate parts of the body (PACE Code A, paragraph 3.7). This search requires consultation with a supervisor prior to the search commencing and must be completed by at least two officers. All officers present must be of the same sex to the person being searched. The individual’s dignity should be considered by removing clothing to the waist and allowing re-dress before removing lower clothing. This must be completed in accordance with paragraph 11 of PACE code C, Annex A.

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6.14 EIP searches must be conducted within a nearby police station or other suitable location out of public view. Other suitable location might include a Police Investigation Centre, or a secure office within a building.

6.15 BWV should be used to record the interaction and search. Officers should divert the BWV away at any sensitive points and explain this to the person searched. Audio recording should remain in place.

6.16 Where the person to be strip searched is under the age of 18, refer to the Young People section and the requirement to seek a supervisor's authority. Where the person to be strip searched is considered vulnerable, refer to the Vulnerable People section. An appropriate adult is required but does not have to be of the same sex as the person searched, however this must be at the child's/vulnerable persons' request.

6.17 As soon as the grounds for detaining a person for a search cease to exist, the person must be released. This includes the need to remove any handcuffs at the earliest opportunity.

6.18 The following table explains the criteria and restrictions for each type of search:

Stop and Search: Three levels of intrusiveness					
Level of Search	On the Street	Out of public view eg. a Police van	Out of public view, in a nearby police station or other nearby location, but NOT in a police vehicle	Extra considerations for children under 18 and vulnerable adults. Appropriate adults required.	Body Worn Video
<b>JOG</b> <i>Jacket outer coat and gloves</i> A search involving no removal of clothing other than an outer coat, jacket or gloves. PACE Code A, paragraph 3.5	✓ YES Police officer of any sex can search.	✓ YES Police officer of any sex can search	✓ YES Police officer of any sex can search.	X NO Consider the value of submitting a Vulnerable Person Assessment (VPA)	✓ YES
<b>MTS</b> <i>more thorough search</i> A search involving the removal of more than JOG but not revealing intimate parts of the body. PACE Code A, paragraph 3.6	X NO	✓ YES Police officer must be of same sex as person being searched, unless only headgear or footwear is removed.	✓ YES Police officer must be of same sex as person being searched, unless only headgear or footwear is removed.	X NO But consider the extent of this search along with the vulnerability of the child or vulnerable adult you are searching.  Consider the value of submitting a VPA	✓ YES Consider the extent of the search it may be appropriate to divert the BWV away from the subject at some stages of this search, but always keep the BWV on to capture the audio.
<b>EIP</b> <i>search exposing intimate parts of the body</i> A search involving the removal of more than JOG which exposes intimate parts of the body. PACE Code A, paragraph 3.7	X NO	X NO	✓ YES <b>Consultation with a supervisor required prior to searching. (APP requirement)</b>  Police officer must be of same sex as person being searched.  Must be two police officer's present.  Remember dignity a person should be allowed to remove clothing above the waist and redress before removing further dothing  Must be conducted in accordance with paragraph 11 of PACE Code C, Annex A.	✓ YES The appropriate adult does not have to be the same sex as the person being searched. However this must be at the child's/vulnerable adult's request.  Must be at least one police officer present with the appropriate adult.  Maximum of two police officers, of the same sex as the person searched, with the appropriate adult.  <b>Submit a VPA.</b>	✓ YES Consider the extent of the search it may be appropriate to divert the BWV away from the subject at some stages of this search, but always keep the BWV on to capture the audio.
Post Arrest ONLY - Intimate Search (An Intimate Search consists of the physical examination of a person's body orifices other than the mouth) An intimate search may only be carried out on a person after they have been arrested and is governed by the provisions of Code C					

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6.19 Officers must take reasonable steps to provide certain information to a person before starting the search. GOWISELY is the minimum amount of information that must be given to the person stopped. The following checklist explains in more detail the information to be given.

	INFORMATION TO BE GIVEN
<b>G</b>	<b>GROUND FOR THE SEARCH</b> – The reasonable grounds for suspicion or other authority where no suspicion is required.
<b>O</b>	<b>OBJECT OF THE SEARCH</b> – What is being looked for? For example, stolen goods or drugs.
<b>W</b>	<b>WARRANT CARD</b> – If in plain clothes, officer's warrant card must be shown.
<b>I</b>	<b>IDENTITY</b> – Officers must identify themselves (collar numbers rather than names in terrorism cases).
<b>S</b>	<b>STATION</b> – Officers must identify the station they are from.
<b>E</b>	<b>ENTITLEMENT</b> – Explain or give a written notice setting out the entitlements of the person to be searched and police powers to stop and search.
<b>L</b>	<b>LEGAL POWER</b> – State the legal power under which the search is being carried out.
<b>Y</b>	<b>YOU ARE DETAINED</b> – Tell the person that they are being detained for the purpose of a search.

6.20 Whilst it is important to ensure that all elements of GOWISELY are communicated, Officers must ensure that the person to be searched is advised that **THEY ARE DETAINED** at the earliest opportunity to ensure they have access to wider legislation to support any force (including handcuffing).

### Stop search based on Smell of Cannabis Only

6.21 Whilst possession of Cannabis is unlawful, searching for Cannabis when not linked to broader harm such as violence or County Lines drug dealing, is not encouraged. Searching for Cannabis (personal possession) is divisive, leads to disproportionality and is not a force priority.

6.22 Norfolk and Suffolk Constabularies have agreed that it will no longer be acceptable to carry out a stop search based on the smell of Cannabis alone. A search for Cannabis must involve other aggravating factors where it is considered that possession is very likely to lead to serious harm to the subject or public.

## 7. Use of Force – When stopping and searching

7.1 A search is not voluntary. A forcible search may be made only if it has been established that the person is unwilling to co-operate or resists the search. PACE Code A makes it clear that reasonable force may be used as a last resort if necessary to conduct a search or to detain a person or vehicle for the purposes of a search.

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7.2 Force is lawful if it is justified by:

- Section 117, PACE: this general power allows an officer to use reasonable force, if necessary, in the exercise of a power under PACE, including a section 1 stop and search. Section 117 does not apply to stop and searches under other legislation.
- Section 3, Criminal Law Act 1967: allows any person to use reasonable force to prevent crime, or to arrest or assist the arrest of offenders or suspected offenders or persons unlawfully at large.
- Common law self-defence.
- Section 76, Criminal Justice Immigration Act 2008: a person may use such force as is reasonable in the circumstances as the person believes them to be for the purposes of: Self-defence, and defence of another; Defence of property; Prevention of crime; and Lawful arrest.

7.3 “YOU ARE DETAINED” is key to activating police Use of Force powers. R v Bristol (2007) noted that the failure to provide the information as outlined in S.2 PACE (GOWISE) would render a Stop and Search unlawful. R v Bonner (2005) stated that a failure to comply with the LAW and Code meant the officer was acting outside of their duties.

## Use of Handcuffs during searches

7.4 The use of handcuffs is a decision which lies with the officer applying them and officers should not routinely handcuff detained persons.

7.5 The application of handcuffs is a use of force. An officer may only handcuff a lawfully detained subject if they have objective grounds for believing this force is necessary. For example, this would include where an officer reasonably believes that without handcuffs the subject may escape, attempt to escape or cause harm to themselves or others.

7.6 Where handcuffs are used, prior to the person being told that they are detained, this would be considered a “pre-emptive” use of force.

7.7 **Common Law** – The Common Law power would allow for force (including handcuffing) as self-defence, but this would need to be reasonable and necessary. Unless there is information or intelligence indicating a person posed a real risk of violence, pre-emptive handcuffing for a s.23 Misuse of Drugs Act 1971 search citing Common Law may not be justified.

7.8 Handcuffs should be removed once no longer justified.

7.9 The use of handcuffs, including where applied to a detained person compliantly, is a Use of Force and would require the submission of an “Assaults, Force, Incident” (AFI) form.

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7.10 Any time a child is subjected to Use of Force, a Child Protection Investigation must be completed. A child being subjected to force is likely to be an indication of wider safeguarding concerns that require appropriate safeguarding considerations within the MASH process.

## 8. Searching According to Sex

8.1 Following the recent determination in the Supreme Court ruling in *For Women Scotland v The Scottish Ministers*, Norfolk and Suffolk Constabularies will follow the National interim guidance set out through National Police Chiefs Council. This guidance in the form of relevant scenarios can be found here.

8.2 As an interim measure officers will undertake searches Exposing Intimate Parts (EIP) or More Thorough Searches (MTS) in accordance with PACE which states that these searches must be conducted with officers of the same biological sex as the person being searched.

8.3 Norfolk and Suffolk Constabularies remain committed to serving all members of the public with fairness, dignity, and respect. As far as operationally viable, where an individual whose lived in gender is not the same as their biological sex expresses a preference to be searched by an officer of their lived gender, efforts will be made to ensure an appropriate officer is identified to conduct the search. In such circumstances, the search would require the written consent of the authorising officer, the person detained and the particular officer/s conducting the search. A templated consent form can be found here.

8.4 It is recognised that some colleagues may have a gender identity that does not easily fit with the binary regime contemplated when PACE 1984 was enacted, for example non-binary, gender fluid or agender. A discussion may be necessary with such a colleague to establish how they can participate in conducting searches. That conversation will be held sensitively (at a suitably senior level) and before the colleague is put in a position where they may be required to participate in searches. Officers are encouraged to seek guidance and support from their supervisors and managers where necessary.

## 9. Young People (U18)

9.1 Young people are more likely to be stop searched. Irrespective of any underlying reason(s), use of stop and search against young people may increase their perception that they are being targeted unfairly. Young people may be more likely to find the experience traumatic and this may have long-term effects on their perceptions of the police. Stop and search powers are sometimes perceived to be used, as a control measure or show of authority rather than being used for a legitimate purpose. Officers should understand that even exercising the power lawfully can leave a negative impact and therefore must carefully consider exercising the power prior to doing so.

Searching under 18s

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- 9.2 Every person under the age of 18 who is the subject of a stop search will be considered vulnerable. A supervisor (of at least one rank above the searching officer) must be consulted prior to a search. The exception to this requirement is in cases of urgency, where there is a risk of harm to the subject or to others, or it is not practicable to do so. When dealing with under 18s officers should always consider:
- Safeguarding measures.
  - Notifying a parent or guardian.
- 9.3 Any time a person under the age of 18 is subject of a stop and search, a Child Protection Investigation (CPI) must be completed. A child being stop searched is likely to be an indication of wider safeguarding concerns that require appropriate safeguarding considerations within the MASH process.
- 9.4 Other than in cases of strip search, an appropriate adult need not be present during the stop search.
- 9.5 Searching of U18s should ONLY take place on educational premises in exceptional circumstances, where not searching at that location would increase the risk of significant harm or death to that young person. This should be authorised by the officer's line manager.
- 9.6 Where a strip search (EIP) is required, then this should be authorised by a Supervisor (of at least two ranks above\*). The circumstances should be reviewed.

*\*If the searching officer is a Sgt or above, then in the absence of a 2<sup>nd</sup> Line Manager being on-duty, this can be authorised by a Duty Inspector. In the unlikely event that the searching Officer is an Inspector or above then an additional authority is not required unless it is believed to be necessary given the circumstances.*

### Searching under 10s

- 9.7 Legislation does not prevent a child under the age of 10 being searched. Recent research has identified that criminals exploit children of all ages to try and avoid Police interest.
- 9.8 A child under the age of 10 will only be stopped and searched under exceptional circumstances, i.e. when there are significant concerns that not to do so would lead to an unacceptable rise in threat or harm presented to the child or another.
- 9.9 The welfare of the child will always be paramount.
- 9.10 Any time a person under the age of 10 is subject of a stop and search, a CPI must be completed. A child being stop searched is likely to be an indication of wider safeguarding concerns that require appropriate safeguarding considerations within the MASH process.

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## **10. Vulnerable People**

- 10.1 Officers should be sensitive when dealing with individuals whose understanding and appreciation of Police Powers under stop search may be adversely affected by factors such as language, disability and mental health. Officers should be aware that there is a crossover with protected characteristics including race and disability. A supervisor (of at least one rank above the searching officer) should also be consulted where practicable to do so. Officers will take reasonable steps to overcome such barriers through methods such as, but not limited to Language Line, Healthcare professionals and third-party intermediaries such as care workers.
- 10.2 Officers should be mindful that not all disabilities are visible, and that a person with a cognitive impairment, communication disorder, developmental disability or mental health condition may not disclose this immediately.
- 10.3 Where vulnerabilities are identified, especially where language barriers or Mental Health issues exist, then consideration should be given around safeguarding of the individual including the submission of a PVP referral, but, as a minimum, officers should record what steps have been taken to overcome those issues that have been presented (for example the use of an interpreter, Appropriate Adult etc.).
- 10.4 Whilst not mandated, where a strip search (EIP) is required, then consideration should be given to having this authorised by a Supervisor (of at least two ranks above) if it is in the interests of either the individual to be searched or officer.

## **11. Recording**

- 11.1 A stop search record will be completed at the time of the search unless there are exceptional circumstances, for example, situations involving public disorder or when the officer's presence is urgently required elsewhere, in which case it should be done as soon as reasonably practicable thereafter. Officers will record the stop and search on the Stop Search Mobile Application (available on Force mobile devices).
- 11.2 There are currently two types of mobile application for the submission of Stop and Search Records (OPTIK and Force Forms). Force Forms should only be used by those officers who do not have access to OPTIK, or where OPTIK at that time, is inaccessible to those with licences.
- 11.3 In all instances, Part 1 of the record should be completed at the time. This allows the officer to provide the member of the public with a reference number and comply with legislation. Part 2 of the record should be completed as soon as practicable and, in all cases, prior to the end of duty.
- 11.4 Paper stop search forms will only be used in exceptional circumstances. The printing of new stocks must only be with the prior approval of the Strategic Lead for Stop and Search.

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- 11.5 A good record must contain sufficient information within the grounds to allow a third party (including scrutiny as part of the ISSSP) to conclude that the search was necessary, lawful and proportionate.
- 11.6 Supervisors must review stop search records submitted for their approval within seven days. The review will identify whether both the search, and the record, are satisfactory, ensuring that the Supervisor's comments are adequately recorded. This should include identifying both good and developmental practice.
- 11.7 Supervisors should ensure that Body Worn Video is reviewed whenever there is doubt over the Recorded Grounds, or if the details contained within the Grounds do not have the required information that would allow a member of the public to understand the reason the Stop & Search took place.
- 11.8 When reviewing the Reasonable Grounds, Supervisors should submit the forms with one of three options:
  1. Reviewed and accepted – the grounds meet the requirements and are documented well.
  2. Accepted following clarification – the officer (or BWV) provides clarity of what took place. The Supervisor must document what the clarification was, and any feedback given.
  3. Reviewed and rejected – the grounds cannot be justified following discussion with the officer and/or following BWV review. Action taken by the supervisor to address any developmental feedback should be documented.

## **12. Publication of Stop and Search**

- 12.1 Norfolk and Suffolk Constabularies will publish stop search data and information on their websites.

## **13. Detention and more thorough searches including strip search exposing intimate body parts**

- 13.1 Should the search involve exposing intimate parts of the body (EIP search), it must take place at a PIC/police station or other suitable location (e.g. medical facilities). In either case, the location must be within reasonable travelling distance, either on foot or in a vehicle. It must also be out of public view and must not be in a police vehicle. Other suitable locations should be agreed with a Supervisor.
- 13.2 All strip searches or exposure of intimate bodily parts must be conducted by two officers of the same sex as the person being searched. For searches involving individuals whose lived in gender is not the same as their biological sex, refer to paragraph 8.3.
- 13.3 Officers identifying a need for an EIP search must consult a supervisor (of at least one rank above the searching officer) prior to carrying out the search\*. The supervisor's role is to scrutinise and challenge the decision ensuring it is lawful, necessary and proportionate and compliant with APP.

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*\*For Young People (U18) please see Young People Section.*

- 13.4 Officers will ensure that all EIP searches are captured on Body Worn Video, **AUDIO ONLY** (as per the Stop and Search APP). The camera must be covered/directed away from the subject.
- 13.5 Where a positive outcome has been achieved through Stop and Search, then BWV should be marked evidential.

## 14. Stop and Account

- 14.1 A stop and account takes place when a police officer stops a member of the public in a public place and asks them to account for themselves but does not search them. Under PACE there is no power to detain a person to talk to them or ask them to account for themselves.

## 15. Recording for Stop and Account

- 15.1 Norfolk and Suffolk do not record stop and account.

## 16. Vehicle Searches

- 16.1 A search of a vehicle under PACE (attended or unattended) must be recorded in the same manner as a person search.

## 17. Searches Made Under Authority

- 17.1 Most stop and search powers require the existence of 'reasonable suspicion' in order to make them lawful. However, there are other powers to conduct a stop and search based on authority of a designated officer alone. These powers are contained within:

- Section 60 Criminal Justice and Public Order Act 1994
- Section 47 of the Terrorism Act 2000
- Section 165 of the Police, Crime, Sentencing and Courts Act 2022

- 17.2 For Section 47 and Section 60 searches, officers should be aware that they may be required to justify the authorisation or use of these powers in any future proceedings. Where possible, officers should provide the searched person the details of the authorisation including authorising officer, the grounds in which it was issued, start/finish times of the authority and geographical area it extends to.

- 17.3 Nothing in such authorities to search under s.60 or s.47 above precludes the discretion of officers not to search an individual, where they do not fit the intelligence picture provided (e.g. information around weapons being carried by teenage youths should not mean that elderly members of the public should be routinely searched just because they are in the s.60 area for search).

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17.4 Section 165 of the PCSCA 2022 covers the creation of Serious Violence Reduction Orders (SVRO).

17.5 An SVRO is a civil order made in respect of an offender convicted of an offence involving a bladed article or offensive weapon. The order provides the police with the power to search a person subject to an SVRO, to ascertain if they have a bladed article or offensive weapon with them and to detain them for the purpose of carrying out that search, provided that person is in a public place.

## 18. Audit Trail

18.1 Where Section 47 of the Terrorism Act 2000 or Section 60 CJPOA 1994 are authorised, there should be an accurate and concisely documented audit trail that shows the decision making process to authorise their use and evidence that the principles of proportionality, legality, accountability and necessity, as required by the Human Rights Act 1998, have been considered. The following sections of the Human Rights Act apply:

- Section 60 – Authority to search under Section 60 of the Criminal Justice and Public Order Act 1994 is based upon a reasonable belief that incidents involving serious violence will take place or that people are carrying dangerous instruments or offensive weapons within any locality in the police area. See section on S60.
- Section 47 – Authorisation under section 47A concerns the authorisation and use of powers to stop and search in specified areas or places and specified times contained in section 47A and Schedule 6B to the Terrorism Act 2000, as brought into effect by the Terrorism Act 2000 (Remedial) Order 2011 (S.I. 2011/631) and of police constables to search a person or vehicle under those provisions entirely replace those previously found in sections 44-47 of the 2000 Act. Section 47A powers should only be authorised where other powers or measures are insufficient to deal with the threat and, even where authorised, officers should still consider whether section 47A powers are the most appropriate to use.

The powers to stop and search under section 47A represent a significant divergence from the usual requirement to have reasonable suspicion when exercising stop and search powers. The powers are therefore only exercisable in an area where and during a period when an authorisation has been given by a senior officer. The test for authorising section 47A powers is that the person giving it: *must reasonably suspect that an act of terrorism will take place and considers that the powers are necessary to prevent such an act and that the area(s) or place(s) specified in the authorisation are no greater than is necessary and the duration of the authorisation is no longer than is necessary to prevent such an act.*

An authorisation under section 47A may only be made by an officer of NPCC or ACPOS rank (i.e. at least the rank of Assistant Chief Constable or, in the case of the Metropolitan and City of London Police, a Commander). Authorising officers must be either substantive or on temporary promotion to

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the qualifying rank. Officers who are acting in the rank may not give authorisations.

18.2 Forms will be retained and weeded as per the Review, Retention and Disposal Schedule.

### **19. Recording of Stop and Searches**

19.1 It is a statutory requirement that officers record accurate details of all stop and searches. Failure to do this will result in lost opportunities to gain intelligence and also adversely affects the accuracy of data produced.

19.2 A failure to accurately record activity in this area of policing will provide a false picture of how effectively these powers are used.

19.3 Recording allows for an opportunity to develop good quality community intelligence whilst ensuring that the officer is accountable for their actions.

### **20. Body Worn Video**

20.1 Where officers have been issued with body worn video, the device must be in use at all times during a stop and search, unless the officer believes the stopping of recording would be proportionate and necessary in the circumstances. (Refer to 13.3 in regards to using audio only for searches exposing intimate body parts)

20.2 Where BWV is unavailable through flat battery, broken equipment, or because it had been turned off or has not yet been issued to the officer, then the rationale/reason must be documented in the remarks box or captured through the mandatory tick box.

20.3 There is no specific power within PACE to take a photograph or video image of a person during a stop and search, but such action is not explicitly prohibited. If requested to stop recording, officers should, therefore, consider whether it is proportionate and necessary in the circumstances to continue to record the encounter using BWV.

20.4 Body worn video footage of stop and search encounters, if non-evidential must be docked and saved as 'Stop and Search' and be available for three months to comply with internal and external scrutiny processes.

20.5 The Body Worn Video policy should also be referred to.

### **21. Supervision**

21.1 It is at the discretion of the supervisor whether to make approach to the subject of the search should they answer any of the quality assurance questions in the negative (or omit to give an answer). It would be best practice for supervisors to occasionally dip sample officers' searches by making proactive contact with a subject, or reviewing body worn video of the incident.

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21.2 Where handcuffs have been applied during any Stop and Search (including when applied compliantly) then the officer **must** ensure an Assaults, Force, Incident (AFI) form has been submitted. Supervisors should monitor for compliance in this area. An AFI form is often referred to as a 'Use of Force' Form.

21.3 Where an officer is identified as having not fulfilled their training requirement, continuous professional development or otherwise fails to demonstrate competence, the following options will be explored:

- Buddying Scheme.
- Action Plan.
- Fast-tracked refresher training.
- UPP.
- In the most serious cases where unlawful or discriminatory practice is evidenced, then consideration can be given to formal disciplinary procedures.
- Additional Continued Improvement Practice (CPD).

## **22. Chief Officers**

22.1 The Chief Constables have overall responsibility for the appropriate use of stop and search powers with the Assistant Chief Constable responsible for strategic delivery. To achieve this the Assistant Chief Constable will ensure that:

- The Constabularies meet their statutory requirements for the submission of stop and search data to the Home Office.
- There is a training provision to meet the needs of all staff.
- Management information systems are in place which inform the Executive of any trends – particularly in relation to disproportionality.
- Stop and search data is quality assured via internal and external scrutiny processes.

## **23. Training**

23.1 Training will be delivered in accordance with the guidelines provided by the College of Policing APP.

23.2 Ongoing refresher training will be delivered via e-learning packages.

23.3 Bespoke training will be delivered when an organisational need has been identified via updates to Best Use of Stop Search Scheme, legislative changes or performance improvement.

23.4 Where appropriate and agreed, the ISSSP should be offered the opportunity to support and be involved in Police training.

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23.5 Where the ISSSP identifies training needs for an individual or team through the Scrutiny process, this will be actioned through the Learning and Development Stop and Search Lead.

### **24. Scrutiny**

24.1 The use of Stop and Search powers will be scrutinised both internally and externally. This includes consultation on this policy document.

24.2 Scrutiny of police use of stop search will be conducted by independent public groups which are representative of local communities, the OPCC and senior officers.

24.3 Through the Scrutiny process, both positive and developmental feedback will be fed back to the relevant officer/staff member or team.

24.4 Norfolk and Suffolk Constabularies will ensure that external scrutiny remains independent and therefore have Independent Stop Search Scrutiny Panels (ISSSP). For Suffolk, this is the Suffolk Police Powers Public Scrutiny panel (SPPPS) chaired by the Ipswich and Suffolk Council for Racial Equality (ISCRE). These panels are chaired and managed by an external organisation, and are attended by representatives from each force and the public. The ISSSPs play an important part in ensuring that Stop Search powers utilised by Norfolk and Suffolk Constabularies are lawful.

24.5 Organisational Learning will be obtained via the following:

- Ride Along Scheme feedback
- Internal and External Scrutiny
- Stop Search Database
- S60 Authorisations
- Public Complaints and Dissatisfaction reporting mechanisms
- Supervisor feedback
- Stop Search training
- Force analytical products.
- Feedback from COP and stop search leads nationally.
- HMICFRS inspection.

24.6 A bi-annual performance report will be produced for the Office of the Police and Crime Commissioner (OPCC), and will be publicly accessible online via the Norfolk and Suffolk OPCC websites.

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## 25. Command Teams

25.1 Local Policing Commands should undertake intrusive supervision to ensure the following, taking appropriate action where necessary:

- Stop searches are intelligence led.
- If appropriate, that BUSS is adhered to.
- Disproportionality is monitored to identify themes and trends.
- Officers are confident in their use of stop search.

25.2 Local commanders should ensure that intelligence briefing systems and taskings are appropriately worded to ensure that stop search activity only takes place where reasonable grounds exist. They should also be mindful of unintended consequences of reacting to limited intelligence such as perceived nationality.

25.3 When local strategies and plans are developed that include the use of stop and search powers, it is vital that community involvement is sought to minimise any possible negative impact on trust and confidence. Community Impact Assessments should be completed where appropriate. This process can include involving the community in reviewing the use of Stop and Search powers.

25.4 Where planned operations are likely to result in a high volume of stop and searches/stop and accounts, community representatives should be informed in advance. This is likely to be done through the ISSSP in the first instance. An open approach at the outset is likely to pre-empt any increase in community tension.

25.5 Where a s.60 or s.47 authority is put in place, the expectation is that the authority will be communicated proactively to the communities involved by use of social media and other education/promotion methods as appropriate in the circumstances.

25.6 Command Teams will ensure:

- The appropriate use of stop and search is promoted across all departments where Stop Search may be undertaken in the course of their business. All officers need to understand the value of the tactic and to be able to communicate this.
- The appropriate use of stop and search powers is promoted externally and that its community impact is assessed.
- Positive support is provided for officers who act proportionately and legally even if they receive a complaint. It is important that officers feel that they have the support of managers and team members.
- Use of the power is in accordance with the Code of Ethics.
- Systems are in place, which provide officers with the best intelligence available to inform individual decisions.

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### **26. Operational Inspectors**

- 26.1 All Inspectors have responsibilities to monitor the activity and patterns of stop and searches that occur in their area of responsibility.
- 26.2 Inspectors will receive management information updates that include data on stop and search activity completed by their officers. This information will provide an overview of activity and will allow Inspectors to commend effective and fair use of powers and investigate further if there are indications of inappropriate use of powers.
- 26.3 The use of Inspectors to carry out audit functions may differ in each County.

### **27. First Line Supervisors (Sergeants)**

- 27.1 First Line Supervisors must ensure that stop searches are:
- Lawful.
  - Properly recorded, including sufficient grounds.
  - Reviewed within seven days.
  - Updated with supervisor's comments, including any immediate measures taken to address deficiencies or to highlight good practise.
  - Legitimate, by undertaking intrusive supervision including personal observation and BWV scrutiny.
- 27.2 Supervisors will act as role models and set standards for their officers. There will be intelligence led briefings and officers will be actively supervised and encouraged to use these powers.
- 27.3 Stop and Search should be reviewed by Supervisors as part of the PDR "dip sampling" process with their staff, as part of the HMICFRS recommendations in the Disproportionality Report 2021.

### **28. Operational Officers Completing Stop and Searches**

- Conduct a stop search with politeness, dignity and respect.
- The point at which BWV is activated is at the discretion of the officer but should be as soon as possible from the outset of an incident or interaction; as a minimum, the explanation of GOWISELY and the actual search must be recorded.
- GOWISELY must be adhered to prior to commencing the search. Where it is not, an officer must demonstrate that reasonable steps were taken.
- Must complete an electronic record of the search at the time unless in exceptional circumstances but in any case by the end of the tour of duty.
- Properly articulate the grounds on the electronic record based on the SEE, KNOW, SUSPECT Model.

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- Provide a receipt of the record to the person searched in all cases.

### **29. Definitions**

#### Public Place

29.1 Any place where, at the time of the 'Stop and Search' the public or any section of the public has access, on payment or otherwise, as of right or by virtue of expressed or implied permission or in any other place to which people have ready access at the time when he/she proposes to exercise the power, but which is not a dwelling.

#### **The Crime and Security Act 2010 and PACE Code A; Changes to Stop and Account and Stop and Search**

Section 1 Crime and Security Act 2010 amends section 3 of the Police and Criminal Evidence Act 1984 ("PACE") which specifies the information which constables must record when they stop and search a person. The Act covers searches which result in an arrest and person being taken into police custody:

"Where a person is arrested as a result of a stop and search and taken to a police station, the constable who carried out the search must ensure that the search record forms part of the person's custody record whilst still completing a separate form. In all other cases the constable must make the record of the search at the time it takes place or as soon as practicable after completion of the search."

### **30. Section 60 Criminal Justice and Public Order Act 1994**

- 30.1 S.60 is a legitimate power and an important tactical option to prevent serious violence and detect weapons. Use of the power can be divisive and impactful on our communities and therefore all authorising officers should consider fully the guidance provided within this policy.
- 30.2 It allows police officers of or above the rank of Inspector to authorise the exercise of stop and search powers in a specified locality (a place or district) for up to 24 hours, either to prevent serious violence or because dangerous instruments or offensive weapons may be being carried. This authority can be extended for a further 24 hours by an officer of at least the rank of Superintendent.
- 30.3 Section 60AA has almost identical provisions for an authority to remove disguises.
- 30.4 The officer completing this certificate must be at least a duly authorised acting inspector.
- 30.5 After giving the above authorisation, an Inspector should, as soon as practicable, inform an officer of or above the rank of Superintendent.
- 30.6 The authorisation of s.60 may be considered for the following (this list is not exhaustive):

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- Serious youth violence and retribution involving the commission of offences involving weapons or dangerous instruments.
- Gang related violence and retribution involving the commission of offences involving weapons or dangerous instruments.
- Incidents where weapons or dangerous instruments have been used to injure and are still being carried in the locality.
- Incidents of affray or violent disorder where weapons or dangerous instruments have been used or seen.
- A significant increase in knife-point robberies in a limited area.
- Where there is intelligence/information of imminent disorder involving offensive weapons or dangerous instruments.
- Threat to life – where persons are believed to be attending a specific locality to commit serious violence using weapons or dangerous instruments.
- Events that typically include a large-scale gathering of people, which combined with other intelligence/information, indicate imminent disorder will take place.
- Football related violence involving the commission of offences using weapons or dangerous instruments.

30.7 S.60 powers should not be used instead of normal powers of stop and search in dealing with routine crime problems.

30.8 A checklist, S60 Authorisation Form, Authorising Officer Quick Guide, and Considerations for using S60 are available in the appendices.

### **31. Section 47A Search and Seizure**

31.1 An authorisation for the use of stop and search powers under Section 47A of the Terrorism Act 2000 can only be given where the person giving it reasonably suspects an act of terrorism will take place and considers the powers are intelligence to prevent such an act.

31.2 An authorisation can last for no longer and cover no greater an area than is necessary to prevent such an act and must be given by an officer of Assistant Chief Constable rank or above.

31.3 Conditions of Authorisation:

- The Secretary of State must be informed of any authorisation given and must confirm any authorisation specified to last more than 48 hours if it is to last beyond that period.
- An authorisation may only be given when a senior officer reasonably suspects that an act of terrorism will take place and where the senior officer considers that it is necessary to prevent such an act.

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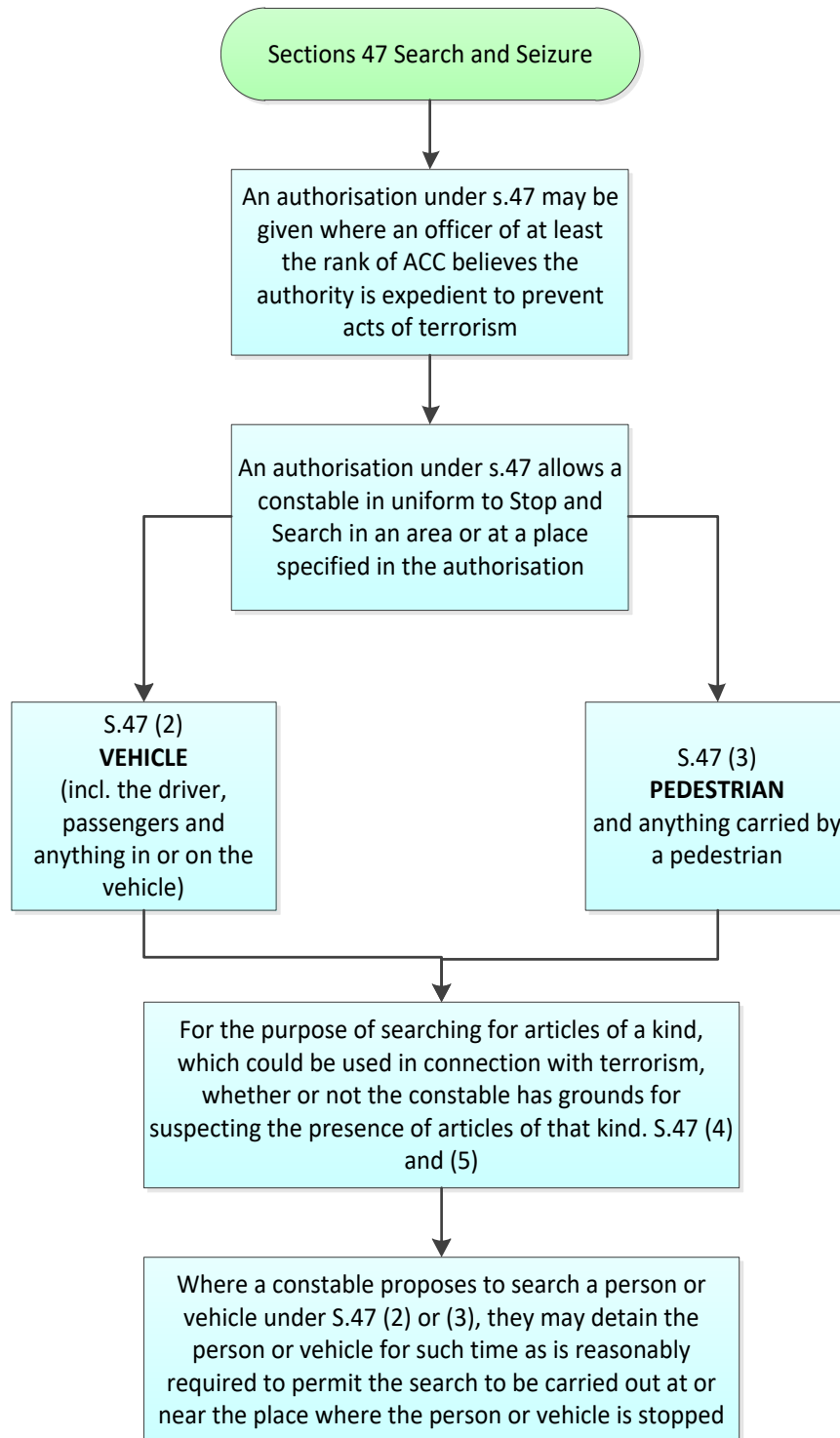
- An authorisation may last for a period no longer than the senior officer considers necessary and for a maximum of 14 days.
- An authorisation may cover an area or place no greater than the senior officer considers necessary.
- The Secretary of State may substitute an earlier date or time for the expiry of an authorisation when confirming an authorisation.
- The Secretary of State may substitute the area or place authorised for a more restricted area or place when confirming an authorization.
- A senior police officer may substitute an earlier time or date or a more restricted area or place, or may cancel an authorisation.

31.4 The authorisation form for Stop and Search under Section 47A of the Terrorism Act 2000 can be accessed from the intranet.

31.5 A process flowchart is available below:

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## Appendix A – Section 60 CJPOA Considerations

### When should I consider s.60?

The authorisation of s.60 may be considered for the following (this list is not exhaustive):

- Serious youth violence and retribution involving the commission of offences involving weapons or dangerous instruments.
- Gang related violence and retribution involving the commission of offences involving weapons or dangerous instruments.
- Incidents where weapons or dangerous instruments have been used to injure and are still being carried in the locality.
- Incidents of affray or violent disorder where weapons or dangerous instruments have been used or seen.
- A significant increase in knife-point robberies in a limited area.
- Where there is intelligence/information of imminent disorder involving offensive weapons or dangerous instruments.
- Threat to life - where persons are believed to be attending a specific locality to commit serious violence using weapons or dangerous instruments.
- Events that typically include a large-scale gathering of people, which combined with other intelligence/information, indicate imminent disorder will take place.
- Football related violence involving the commission of offences using weapons or dangerous instruments.

**S.60 powers should not be used instead of normal powers of stop and search in dealing with routine crime problems.**

### What is Serious Violence?

Whether or not an incident/event amounts to serious violence is a judgement for the authorising officer but this can include; Homicide and Child Destruction, Attempted Murder, Wounding or other act endangering life, Grievous Bodily Harm and Weapon Enabled Crime.

### What is the intelligence/information?

The intelligence/information should be **insufficiently distinct**<sup>1</sup>. This term was used in the judgement below, it relates to descriptions of people. It is where you don't have sufficient descriptions to support reasonable suspicion to search, this therefore necessitates the use of s.60. If you did have any distinct descriptions of those carrying weapons/causing serious violence then the 'necessity' criteria for s.60 would not be satisfied and you should be using PACE or other arrest powers as appropriate.

**Any judgement about the credibility of the intelligence will be a matter for the authorising officer.**

<sup>[1]</sup> R (on the application of Roberts) (Appellant) v Commissioner of Police of the Metropolis and another (Respondent) [2015] UKSC 79

### What is the maximum duration of the initial authorisation?

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The maximum duration of the initial authorisation is limited to a maximum of 24 hours. This authority can be extended for a further 24 hours by an officer of at least the rank of superintendent.

### **Should I communicate with the public?**

Forces must communicate with the public in the areas where a s.60 authorisation is to be put in place in advance (where practicable), during and afterwards. The public need to be informed of the purpose and outcomes of each s.60 operation.

Prior to the authorisation (where practicable) the local Stop and Search Community Monitoring Group should be notified (as a minimum) together with local IAG's, SNB and other local stakeholders. These same people should be informed of the outcome of the operation and their feedback included in the evaluation.

Communication during the operation can take various forms including; Social media (Twitter), Signage (Matrix signs), Leaflets, Community Networks etc.

### **Do I have sufficient resources to conduct a s.60 operation?**

Consider whether there are sufficient officers locally to implement the operation or whether additional resources are required. Contact the Duty Inspector or Force Silver to discuss securing additional resources.

### **What is the location?**

A specific geographical area should be identified; this should not be wider than is believed necessary to prevent the actual or anticipated violence. The boundary should be described (Estates/Road names etc) and maps provided showing the areas included within the scope of the authority for briefings if possible.

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## Appendix B – S.60 Quick guide - Authorising Officer

Questions an AO should consider prior to deciding whether or not to authorise s.60:

### S.60(1)(a)

- Do I **believe** serious violence may take place?
- What is the information/intelligence?
- Is the information insufficiently distinct to enable the use of s.1 PACE or arrest powers?
- Do I **believe** dangerous instruments and/or offensive weapons will be involved?
- What other tactics/powers are available to deal with this?
- Why is it **expedient** to use s.60 powers to prevent serious violence occurring?

OR

### S.60(1)(aa)

- Has an incident of serious violence taken place?
- What are the circumstances?
- Is the dangerous instrument/offensive weapon used still being carried?
- What other tactics/powers are available to deal with this?
- Why is it **expedient** to use these powers to find that dangerous instrument or weapon?

OR

### S.60(1)(b)

- Do I **believe** that persons are carrying dangerous instruments or offensive weapons without good reason?
- Why? What is the information/intelligence?

AND CONSIDER

- Are there sufficient local resources to conduct a s.60 operation?
- Have additional resources been requested?
- What is the specific geographical area of the proposed s.60?
- What is the minimum period necessary (24hrs maximum for initial authority) to deal with the risk of violence or the carrying of dangerous instruments and/or offensive weapons?
- Have the local stop and search Community Monitoring Group been informed?
- Have other relevant community members and local stakeholders been informed? Or will they be?
- How will the Constabularies communicate awareness of the s.60 operation to the public?  
Consider deployment of Matrix signs, social media, leaflets for printing out locally and seek advice from Corporate Communications.

**Authorising officers will complete the S.60 checklist and form when considering any use of the power**

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## Appendix C – Checklist and Authorisation Form for Section 60 CJPOA



## Section 60 & 60AA Criminal Justice and Public Order Act 1994 Authorisation

This document is a guide to authorising Section 60 / 60AA Criminal Justice and Public Order Act 1994 searches.

The Inspector in charge of the incident / operation should follow this guide to ensure lawful authorisation and recording.

Authorisation is a four step process:

- 1) Complete the action checklist
- 2) Obtain authorisation and complete forms
- 3) Make operational officers aware
- 4) Once the authorisation has concluded ensure the form is updated and submitted

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## Application for the Authorisation for Section 60 and /Or 60AA of the Criminal Justice and Public Order Act 1994

The authorising officer (Inspector or above) must notify the Duty Superintendent of any use of s.60. It is then the responsibility of the Duty Superintendent to ensure that the action checklist has been completed and notify Chief Officers.

<b><u>Action Checklist</u></b>	✓
<p><b>S.60</b> Confirm one of the following grounds:</p> <p>Incidents involving serious violence <b>may</b> take place in any locality in their police area and it is <b>expedient</b> to give an authorisation under this section to prevent their occurrence.</p> <p>An incident involving serious violence has taken place In England and Wales in their police area, a dangerous instrument or offensive weapon used in the incident is being carried in any locality in their police area by a person; and it is <b>expedient</b> to give an authorisation under this section to find the instrument or weapon</p> <p>That persons are carrying dangerous instruments or offensive weapons in any locality in their police area without good reason.</p> <p><b>S.60AA</b> Confirm the following grounds:</p> <p>That activities may take place that are likely (if they take place) to involve the commission of offences; and that it is expedient, in order to prevent or control the activities, to give an authorisation to exercise the powers conferred by this section</p>	
Consider Human Rights, is the authorisation of s.60 a proportionate and necessary response.	
Set the <u>minimum period</u> necessary (24hrs maximum for initial authority) to deal with:	
<ul style="list-style-type: none"> <li>the risk of violence</li> <li>the carrying of dangerous instruments</li> <li>offensive weapons</li> </ul>	
Set the specific geographical area in which the use of the power is to be authorised, clearly define this on a map available to officers, and ensure a briefing is prepared for officers likely to be involved.	
Confirm with the Superintendent that the local stop and search Community Scrutiny Group (as a minimum) and other relevant community members have been/will be informed of the purpose of the s.60 operation in advance (where practicable) and record any representations	
Ensure the CCR Inspector has been fully appraised of the authorisation and a CAD raised to record details of the s.60. (CAD No. _____)	
Prepare a media release (traditional and social) to publicise the authorisation.	

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**Authority to Exercise the Powers under  
Section 60 Criminal Justice and Public Order Act 1994**

Original Authority  Record Only

Date:

**A AUTHORITY TO EXERCISE POWERS OF STOP AND SEARCH (see note 1)**

In accordance with Section 60 / 60 AA of the Criminal Justice and Public Order Act 1994, I hereby authorise constables in uniform to exercise the powers conferred under that section as follows:

**Period (may not exceed 24 hours)**

The powers may be exercised for the following period:

From(time)	AM/PM*	On	Day	Of	(year)
To(time)	AM/PM*	On	Day	Of	(year)

**Locality (see Note 2)**

The powers may be exercised within the following locality within the Suffolk / Norfolk Constabulary police areas (*describe boundary, e.g. by naming roads, streets, etc. If necessary, attach copy of street map or sketch plan*):


Plan attached? YES/NO\*

Show ALL areas in county wholly or partly within the locality of this authorisation in the 'RESULTS' grid below.

**Grounds for Granting Authority (must be an Inspector or above. See note 5)**

I have reason to believe (*select as appropriate*):

✓	<b>(S.60 Criminal Justice and Public Order Act 1994)</b>
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# STOP AND SEARCH POLICY

Official

	(a) that incidents of serious violence may take place in his police area and it is expedient to give an authorisation to prevent their occurrence
	(b) an incident involving serious violence has taken place in England and Wales in his police area and a dangerous instrument or offensive weapon used in the incident is being carried in any locality in his police area by a person
	(c) that persons are carrying dangerous instruments or offensive weapons without good reason
	<b>(S.60AA Criminal Justice and Public Order Act 1994)</b>
	(a) that activities may take place that are likely (if they take place) to involve the commission of offences; and that it is expedient, in order to prevent or control the activities, to give an authorisation to exercise the powers conferred by this section

in the locality defined (2). due to *(give reasons for belief)*


Authorise any constable in uniform, within that locality to exercise the powers under section 60 / 60AA (*delete as appropriate*) of the Criminal Justice and Public Order Act 1994 for the period defined (1) not exceeding 24 hours.

Those powers are -

**(s.60 Criminal Justice and Law Act 1994)**

- (a) to stop any pedestrian and search him/her or anything carried by him/her for offensive weapons or dangerous instruments;
- (b) to stop any vehicle and search the vehicle, its driver and any passenger for offensive weapons or dangerous instruments. *(This power can apply equally to ships hovercrafts or aircraft if relevant.)*
- (c) if in the course of a search under this section the constable discovers a dangerous instrument or an article which s/he has reasonable grounds for suspecting to be an offensive weapon, s/he may seize it.

and / or

**(s.60AA Criminal Justice and Law Act 1994)**

- (a) to require any person to remove any item which a constable reasonably believes that person is wearing wholly or mainly for the purpose of concealing his or her identity;
- (b) to seize any item which a constable reasonably believes any person intends to wear wholly or mainly for that purpose.

**Officer Giving the Authority** (Inspector or above)

Name	Rank	Station
Signature	Time	AM/PM Date

## STOP AND SEARCH POLICY

Official

**B DIRECTION TO EXTEND PERIOD OF THE AUTHORISATION** *(must be Superintendent or above. See note 4)*

I having regard to the offences which have, or which are reasonably expected to have been committed in connection with the authority/authorities already given under s.60; and/ or s.60AA of the Criminal Justice and Public Order Act 1984, believe it is expedient for this authority to be continued for a further 24 hours in the locality defined (2). due to *(give reasons for belief)*


This extension applies to the following period

From(time)	AM/PM*	On	Day	Of	(year)
To(time)	AM/PM*	On	Day	Of	(year)

Name	Rank	Station	
Signature	Time	AM/PM	Date

**C ACTION TAKEN FOLLOWING INITIAL / EXTENSION OF AUTHORITY**

Officers informed of the authority being granted, the period and locality as specified in 2 of Part A;

At time	AM/PM	Date	By
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Copy of authority has been *(delete as appropriate)*  
 provided to supervisors within locality YES / NO  
 provided to CCR and CAD started YES / NO (CAD No \_\_\_\_\_)  
 provide to the Duty Superintendent

\* Officers informed of direction to extend the authority and the period specified in Part B;

At time	AM/PM	Date	By
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Copy of the original authority and extension has been *(delete as appropriate)*  
 provided to supervisors within locality YES / NO  
 provided to CCR and CAD started YES / NO (CAD No \_\_\_\_\_)  
 provide to the Duty Superintendent

**RESULTS** (enter on **original** record of authority only)

LPCs included in locality (area codes)					Totals
No. of searches under this authority					

# STOP AND SEARCH POLICY

Official

No. of arrests arising from searches					
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## D ACTION TAKEN ON/AFTER EXPIRY OF THE AUTHORITY/EXTENSION

(a) Officers reminded of date/time specified in Part A or B that the authority/extension expires;

At time	AM/PM*	Date	By
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(b) RESULTS – completed form sent to Stop / Search Strategic Lead and copy sent to Area Superintendent.

Signed	Name	Rank	Time/Date
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## E Representations raised by Scrutiny / Community Groups (see note 3)


### NOTES:

1. The powers may not be exercised until the authority has been given in writing by completing and signing Part A.
2. To extend the locality of the authorisation specified in Part A, a new authority is required. Localities in other force area require authority from that force.
3. Use of Part E for recording representations by community and scrutiny groups. Include details of who is making the representation, at what point and any action taken as a result.
4. A direction to extend the period may be given only once by a Superintendent, thereafter, continued use of the powers requires a new authorisation.
5. You must clearly define under which powers you are making the authorisation (S.60 confers the power of Stop and Search, whilst S.60aa confers the power to remove 'face covers' or similar) and ensure that your grounds are sufficient to demonstrate the expedient use of each specific power.