

## Stop and Search of Persons, Vehicles and Buildings

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## Policy Statement

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### Summary

This policy outlines that West Yorkshire Police (WYP) will comply with Authorised Professional Practice (APP) (which contains comprehensive information to assist policing in relation to stop and search) as well as detailing how to complete search records and how stop and search activity will be reviewed and monitored.

The primary purpose of stop and search powers is to enable officers to allay or confirm suspicions about individuals without exercising their power of arrest.

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### Scope

This policy applies to all police officers, special constables and police community support officers (PCSOs).

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## Principles

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### General

- Legislation under the Police and Criminal Evidence Act 1984 (PACE), Misuse of Drugs Act 1971, Firearms Act 1986 and Sporting Events (Control of Alcohol etc) Act 1985 amongst others, provide a power to stop and search. All such searches must be conducted in accordance with the Police and Criminal Evidence Act Code of Practice A.
- For the searches of Trans and Non Binary individuals, officers must refer to the Trans and Non-Binary People policy.
- Each stop and search encounter must be lawful, necessary and proportionate. Officers must apply the National Decision Model (NDM) to actively consider, on a case-by-case basis, whether stop and search is the best response to the particular circumstances they are facing.
- Officers must:
  - Have reasonable grounds to use the powers;
  - Use them without any bias against or in favour of any person or group;
  - Do no more than is necessary to achieve a lawful aim; and
  - Follow the correct and proper processes.
- Appropriate use of stop and search also means officers adopting a 'procedural justice' approach, i.e., making decisions fairly and treating people respectfully.
- Officers must:
  - Make impartial decisions based on the facts and explain those decisions;
  - Give people an opportunity to tell their side of the story and listen to them;
  - Demonstrate they are trustworthy; and
  - Treat people with respect and dignity.

- Officers will adopt the CARE principles in all stop and search encounters:
  - **C**ommunicating effectively to facilitate understanding and cooperation.
  - **A**cting professionally.
  - **R**emaining respectful and understanding different cultures.
  - **E**xplaining fully the grounds for the search/actions taken.
- Such an approach will help to maintain public trust, police legitimacy and policing by consent.
- Irrespective of any underlying reason(s), disproportionate use of stop and search against particular social groups – most notably ethnic minority groups and young people – may increase their perception that they are being targeted unfairly.

**Fair and effective stop and search**

- Stop and search is most likely to be fair and effective when:
  - The search is justified, lawful and stands up to public scrutiny;
  - The officer has genuine and objectively reasonable suspicion that they will find a prohibited article or item for use in crime;
  - The person understands why they have been searched and feels that they have been treated with respect; and
  - The search was necessary and was the most proportionate method the police officer could use to establish whether the person has such an item.
- Four core elements underpin the definition of a fair and effective stop and search. These are:
  - The decision to stop and/or search a person must be fair;
  - The search must be legal in basis and in application;
  - Interaction with the public during the encounter must be professional; and
  - Police use of stop and search powers must be transparent and accountable.
- Detailed analysis of these four core elements are available through College of Policing APP.
- Officers exercising stop and search powers must adopt the following communication steps in accordance with the best practice mnemonic GOWISELY DEC:

<b>G</b>	A clear explanation of the officer's <b>grounds</b> for suspicion, e.g., info/intel or specific behaviour of person.
<b>O</b>	A clear explanation of the <b>object</b> and purpose of the search in terms of the article being searched for.
<b>W</b>	<b>Warrant</b> card, if not in uniform or if requested.
<b>I</b>	<b>Identity</b> of the officer(s): name and number or, in cases involving terrorism or where there is a specific risk to the officer, just warrant or collar number.
<b>S</b>	<b>Station</b> to which the officer is attached.
<b>E</b>	<b>Entitlement</b> to a copy of the search record within 3 months (S60, 12 months).
<b>L</b>	<b>Legal</b> power used.
<b>Y</b>	<b>You</b> are detained for the purposes of a search.

<b>D</b>	<b>Do you understand?</b>
<b>E</b>	<b>Ethnicity</b> – ask and record self-defined ethnicity (SDE).
<b>C</b>	A clear explanation of how to make a <b>complaint</b> .

## Powers to Search

### Legislation

- The power to search under the Police and Criminal Evidence Act 1984 (PACE) and Code of Practice A enables officers to confirm or disprove their suspicions about individuals without the need to exercise the power of arrest.
- Officers must ensure they are authorised to search a person or vehicle under the relevant legislation (PACE Code of Practice A - Annex A) and that the appropriate grounds (PACE – provisions relating to search under section 1 and other powers (subs (6)-(10)) to search do exist.
- Under no circumstances can a voluntary search be carried out.
- Officers must provide the individual with the information for the purpose of the search **prior** to conducting it. This is in accordance with PACE Code of Practice A 3.8-3.11 and that they are entitled to a copy of the search record.
- Officers must then conduct a search in accordance with PACE Code of Practice A 3.1.
- Stop and search powers can be categorised as:
  - a) Those requiring reasonable grounds for suspicion;
  - b) Searches authorised under Section 60 of the Criminal Justice and Public Order Act 1994;
  - c) Searches under Schedule 5 to the Terrorism Prevention and Investigation Measures Act 2011; and
  - d) Powers to search persons in the exercise of a power to search premises.

## Section 60

### Principles

- As of 16<sup>th</sup> May 2022, the Home Secretary permanently lifted all previous Best Use of Stop and Search Scheme (BUSSS) conditions, relating to Section 60 Stop and Search powers, greater than those described in legislation (Criminal Justice and Public Order Act 1994).
- West Yorkshire Police have followed government direction and authority levels, maximum duration of authority and the degree of certainty/threshold required by the authorising officer have reverted to those described in legislation:
  - A police officer of or above the rank of inspector, for a specified period not exceeding 24 hours (informing an officer of or above the rank of

superintendent as soon as it is practicable to do so). Please use Form 91 (Initial Authorisation of S.60).

- An officer of or above the rank of superintendent, in accordance with legislation, may direct the authorisation to continue for a further 24 hours. Please use Form 311 (Extension of S.60 authority).
- Within West Yorkshire Police, when the officer of or above the rank of superintendent is informed of the initial Section 60 authorisation, they must decide whether Duty Gold should be informed immediately or at a later time. The requirement to inform Gold immediately will be dependent on the circumstances, nature, community impact and potential criticality of the Section 60 authorisation.
- Under Code A, paragraph 4.3(d), officers must record:
  - The nature of the power;
  - The authorisation; and
  - The fact that authorisation was given.
- In addition, paragraph 2.14A of Code A states that Section 60 powers must not be used for reasons unconnected to the purpose of the authorisation.
- Officers must also record the reason why the search of the individual is connected to the purpose of the authorisation. This is not about requiring officers to have reasonable grounds for suspicion but making it possible to show that the power is being used within the limits of the authorisation and in an objective manner compatible with paragraph 2.14A.
- It is the responsibility of the senior officer granting the authorisation to ensure that its purpose is clearly articulated and communicated to officers.
- The authorising officer must ensure that contact is made with the Force Duty officer so that a FMDL entry can be made regarding the Section 60 authorisation. The entry must include what actions have been taken to engage with communities.
- The authorising officer must ensure that a Community Impact Assessment is completed in advance of the authorisation or, if not possible due to the immediacy of the risk, as soon as practicable. Please use Form 7 (Community Impact Assessment).
- The authorising officer must ensure that consideration is given to wider problem solving. The Section 60 Niche occurrence must be linked, where appropriate, to a Problem-Solving Occurrence (PSO) or Management Occurrence, for example, a Management of Urban Street Gang (USG) Occurrence or Management of Organised Crime Group (OCG) Occurrence.
- College of Policing APP recommends Forces should be proactive in:
  - Engaging communities in advance of an authorisation to assist operational planning and mitigate any community concerns, recognising that doing so may only be practicable with some planned authorisations because of the immediacy of the risk in other, more dynamic, operational situations;
  - Publicising details (e.g., via social media, police A-boards and key individual networks) where and when authorisations have been made, clearly and as soon as practicable, to inform the public, provide reassurance and maximise any deterrence effect;

- Allowing members of the public to observe operations where ‘no suspicion’ searches have been authorised; and
- Engaging communities after an authorisation to mitigate any community concerns and report back the operational outcomes of authorisations and other relevant information (e.g., disproportionality rates and complaints received).

Please refer to the Force Section 60 Stop and Search – External Communications guidance document and Section 60 Process Flowchart for further information.

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## Best Use of Stop and Search Scheme

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### Principles

- West Yorkshire Police, comply with the Best Use of Stop and Search Scheme remaining requirements:
    - The **Community Complaints Trigger** is set at 1 within WYP. Redacted details of the outcome of all complaints to the Professional Standards department relating to stop and search will be passed by the Professional Standards Department to the district SLT scrutiny lead who will share with the local scrutiny panel for review. Complaints dealt with ‘There and Then’ locally will not be included as they are dealt with to the complainant’s satisfaction as per the Public Complaints policy.
    - The Lay Observation policy is outlined in the Stop and Search Ride Along Scheme policy.
    - **Race and Diversity Monitoring.** District SLT stop and search leads will ensure that Management Information regarding stop search is reviewed locally to understand, in particular, any disproportionate use of stop and search against particular social groups – most notably ethnic minority groups and young people. Management information will also be shared with scrutiny panels for external scrutiny and consultation.
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## Stop and Search

### Making a Search Record

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### Principles

- Officers must make an electronic or paper record of the stop and search unless exceptional circumstances make that impossible, e.g., major public disorder. The record should be made immediately or as soon as practicable after the encounter.
- Officers will use their mobile devices to complete the stop search record. The only exceptions to this are if:
  - An officer’s mobile device is defective; or

- The officer has not been issued with a mobile device.
- In the case of the above exceptions, officers must record the search immediately in a paper pocket notebook following Electronic and Pocket Notebooks – Use and Supervision policy.
- The person searched must be offered a copy of the record of search. If the person accepts this offer or independently requests one, the officer must give them a copy on the spot or a receipt (Form 180 receipt) explaining how to get one.
- If the officer is called to an incident of higher priority and it is not practicable for them to give the person a copy or a receipt at the scene, the officer must give the person the details of the police station where it may be requested.
- The officer must give the searched person enough detail to ensure they are able to retrieve a copy of the search at a later time. This must include, stop location, time and date and officer collar number (if no reference number is available).
- As soon as reasonably practicable, upon return to the station, the record must be transferred to the computer systems using desktop pronto.
- In circumstances where a full record cannot be made, the officer will use their hand-held device to create the reference number. The officer will then complete the record in a timely manner.
- Where the search results in an arrest (other than where the person is granted street bail and not brought into custody), responsibility for asking the person if they want a copy of the record transfers to the custody officer. The search officer is still responsible for ensuring that a record of the search is made as part of the custody record.
- If more than one copy of the record is requested, and it is deemed reasonable, more than one copy must be provided.
- Where officers make an arrest as a result of stop and search activity, as well as the search record being completed; the custody record must also be updated with the search record reference number, and the Custody Officer informed.
- Where a search is conducted under a s.60 authority, the individual search record must be linked to the s.60 Niche occurrence via the related occurrence tab.

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**Record of  
vehicle search**

- There need only be one record if a vehicle and its driver are searched under the same grounds. If more than one person in a vehicle is searched, a separate record must be completed for each person. If only the vehicle is searched, a note must be made of the self-defined ethnicity of the person in charge of the vehicle (if provided) and, if different, their ethnicity as perceived by the officer conducting the search, unless the vehicle is unattended.
- The person searched or the individual in charge of the vehicle must be given a Form 180 receipt detailing the search record reference number and details of how they are able to obtain a copy of the record (PACE Code of Practice A 4.2).

- If the search is of an unattended vehicle or anything in or on it, the officer must leave a notice in or on it to say it has been searched. This must include the name of the officer's police station and how to get a copy of the record or claim compensation. The officer must leave the vehicle secure if possible.

## Completing a Search Record

### Basic Information

- West Yorkshire Police, in addition to recording all mandatory fields (PACE Code of Practice A 4.3) will continue to record the following information:
  - Name (if provided);
  - Outcome;
  - Age (if provided);
  - Gender; and
  - Officer defined ethnicity.
- The time and date will automatically be recorded.
- The location of the stop and search must be manually entered using the Gazetteer system. It is crucial that an accurate location is entered.
- The searching officer's details and those of any other officers present must be recorded. In the case of terrorism searches, only the officer's collar number will be recorded. (Only the officer's employee number, will be added to the stop search receipt.)
- There is no legal requirement to obtain the personal details of the individual who has been searched (PACE Code of Practice 4.3A).
  - If the details are refused, then this must be the option selected on the Person tab of the record;
  - If the details are given, they must be entered accurately;
  - If there are other reasons for failing to collect data, these must be recorded in the Grounds section of the record; and
  - If the individual provides a new address, this must be added to the record.
- The description must always be completed, in particular where personal details have not been obtained. This includes any marks, scars or tattoos. Height must be recorded.
- Clothing descriptions must be recorded for the benefit of future enquiries.
- If there is any confusion regarding a person's gender, the individual must be asked what gender they refer to themselves as and this must be recorded. Please refer to searching and detention section of Trans and Non-Binary People policy.
- The person searched must be asked to select the category which closely matches their ethnic background, based on the Home Office approved 16-point self-classification system for racial monitoring purposes.
- Officers must explain that the purpose for requesting this information is to obtain a true picture of stop and search activity, promoting effective use of powers and to tackle any discriminatory practice.



- The following must be adhered to:
    - If the person does not wish to use one of the categories listed, they may then be recorded as 'other';
    - If the section cannot be completed due to refusal, language barriers, being called away or public disorder, then the 'not stated' code box must be completed. The reason for the 'not stated' selection must be recorded within the grounds;
    - If the person chooses a category that clearly does not reflect their ethnic background, even after the purpose of this information has been explained, then the category they have selected must be recorded.
  - In all cases, the 'officer-defined ethnicity' category on the search record must be completed.
  - If a vehicle has been searched, the make, model, colour and Vehicle Registration Mark (VRM) must be recorded. If the vehicle has no VRM, this does not need to be recorded.
  - The record must include, where possible, if the person searched was the driver or passenger.
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#### **Powers**

- Officers must record the power used in the search. If a search is conducted under any other power (PACE Code of Practice A - Annex A), this must be recorded in the 'other, specify' section.
  - Officers must inform the person at the outset that they are being detained for the purpose of a search. Officers must not detain the person for any longer than they reasonably need to complete the search.
  - Reasonable force is a last resort and must only be used if necessary, to conduct the search or detain for that purpose.
  - Stop and search is the application of a legal power where the subject must comply. The co-operation of the person to be searched must be sought in every case, even if the person initially objects to the search. On such occasions, with co-operation, a separate Use of Force form is not required. 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 without co-operation. A forcible search may be made only if it has been established that the person is unwilling to co-operate or resists. In these circumstances a Use of Force Form must be submitted. This includes the application of handcuffs for the purposes of carrying out the search. Please refer to the Use of Force policy.
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#### **Types of search**

The extent and thoroughness of the search must not be excessive and must depend on the nature of the grounds and the object of the search. The type of search must be recorded. This could be:

- **No more than JOG in public.**
  - There is no power for an officer to require the person being searched to remove any clothing in public apart from their jacket, outer coat and

gloves (JOG), although the officer may ask the person to do so voluntarily.

- If it is reasonably necessary in the circumstances, bearing in mind the object being looked for, the officer may, as part of a JOG search:
  - Place their hand in the inside pocket of outer clothing;
  - Feel around the inside of collars, socks and shoes; and/or
  - Search hair, as long as there are no restrictions on the removal of headgear, such as for religious reasons.
- If there are religious sensitivities to asking a person to remove headgear, the officer must allow it to be removed out of public view. Where practicable, the removal must be carried out in the presence of an officer of the same sex as the person and out of sight of the opposite sex.
- **More thorough search out of public view (MTS):**
  - An MTS is any search involving the removal of more than JOG, but not exposing intimate parts of the body, i.e. removal of any item of clothing which is not covering an intimate part of the body.
  - Revealing any intimate part of the body escalates the search from MTS to EIP, which is subject to additional restrictions as set out below.
  - An MTS can be conducted if necessary on reasonable grounds. It must be conducted out of public view, in a police van or at a police station. An empty street is still a public place.
  - Unless only headgear or footwear is removed, the MTS must be conducted by an officer of the same sex, not in the presence of the opposite sex unless specifically requested by the person.
- **Search involving exposure of intimate parts of the body (EIP):**

**Grounds and supervisor consultation:**

  - A search exposing intimate parts of the body (an EIP search), also referred to as a strip search, is the most intrusive form of search permitted under the stop and search powers. It must not be a routine extension of the initial search if nothing is found. As with searches involving a lesser degree of intrusion, it must only be used where it is necessary and reasonable, bearing in mind the object of the search.
  - The grounds for any search exposing intimate parts of the body must detail the reason/s as to why this level of search, i.e. beyond JOG and MTS, was appropriate, necessary and proportionate.
  - Officers identifying a need for an EIP search must consult a supervisor prior to carrying out the search, to explore the reasons why it is necessary and proportionate to the circumstances. The supervisor's role in this context is to support and encourage good decision making by providing suitable challenge. The officer who identifies the need for the EIP search, and not the supervisor, is responsible for the decision to proceed with the EIP search, having taken due regard of the advice given by the supervisor, unless the supervisor gives a lawful order instructing the officer to not carry out the search. The supervisory guidance and support beforehand, rather than after the fact, aims to protect officers from complaints, ensure the appropriate use of police

powers and to reassure the public about the oversight of intrusive searches.

- If an officer cannot contact a supervisor within a reasonable timeframe, the officer must balance the need to have the ethical discussion with a supervisor against the need to conduct the EIP search within a reasonable timeframe, i.e. one that does not antagonise the person being searched or delay the search for an unreasonable amount of time.
- If an officer decides to proceed with an EIP search following consultation with their supervisor, the officer must include the reasons for extending the search as part of the search record as well as confirming that supervisory consultation took place, with whom and when. If they were unable to contact a supervisor, they must still record their reasons for extending the search, as well as the steps taken to contact a supervisor.

**Location:**

- Searches exposing intimate parts of the body must be conducted at a nearby police station or other location out of public view (for example a home address, if appropriate), not in a police vehicle.
- When a search exposing intimate parts of the body takes place at a police station, it must be conducted in an appropriate room within the custody area or a suitable private welfare/wellbeing room outside of custody.
- Assessment as to appropriate location within the police station will be determined on an individual basis, considering threat, harm and risk to the individual being searched and any other persons present.

**PACE requirements:**

- Code A specifies that searches involving exposure of intimate parts of the body must be conducted in accordance with paragraph 11 of Annex A of Code C:

**Searching officer gender:**

- The officer carrying out the search must be of the same sex as the detainee. Searching officer details must be recorded on the search record.

**Persons present during the search:**

- The search must be conducted where the person cannot be seen by anyone who does not need to be present. All persons present during the search must be recorded on the search record.
- The search must be conducted where the person cannot be seen by any member of the opposite sex apart from an appropriate adult specifically requested by the person being searched.
- Except in cases of urgency, where there is a risk of serious harm to the person being searched or to someone else, there must be a minimum of two persons present in addition to the person being searched.

**Appropriate adults:**

- If the person being searched is a child or vulnerable adult, one of the minimum of two persons present must be the appropriate adult.

- In the case of a child, if the child and appropriate adult *both* agree that the adult should not be present during the search, there is no requirement for the appropriate adult to be present during the search. In these circumstances, a record of the child's decision will be made and signed by the appropriate adult.
- The details of the appropriate adult must be recorded on the search record.
- Only in cases of urgency, where there is a risk of serious harm to the person being searched, or to someone else, may the search take place in the absence of an appropriate adult. In these circumstances, the nature of the urgent risk of serious harm to the individual or others must be clearly documented on the search record under the appropriate adult 'reason not present' field.
- A delay in the arrival of an appropriate adult will not, in itself, negate the requirement for the presence of an appropriate adult during the search. In these circumstances, where there is no urgency due to risk of serious harm to the person being searched or to others, the child or vulnerable person will remain detained for the purposes of a search, in an appropriate location, under constant supervision, until the appropriate adult arrives and the search takes place. Due consideration must be given to the welfare needs and wellbeing of the individual.
- Every effort must be made to facilitate the prompt arrival of an appropriate adult. Any delay in the arrival of an appropriate adult must be documented.

**Conducting the EIP search:**

- Proper regard will be given to the sensitivity and vulnerability of the person and every reasonable effort made to secure the person's cooperation and minimise embarrassment. They must not normally be required to remove all of their clothes at the same time, for example, a person must be allowed to remove clothing above the waist and re-dress before being required to remove further clothing, subject to necessity in the circumstances.
- If necessary to assist the search, the person may be asked to facilitate a visual examination of the genital and anal area but no physical contact may be made with any body orifice.
- A search exposing intimate parts of the body must be conducted as quickly as possible and the person allowed to dress as soon as it is completed.

**Public Protection Notices (PPN):**

- A Public Protection Notice (PPN) must be submitted when a child or young person, aged 17 years or under, is the subject of an EIP search.

**Children and young people**

In all encounters with children and young people under 18 years of age, a child first approach must be taken, with consideration given to the safety and welfare of any child stopped.

**Risk and concerns:**

- If any risks or concerns are identified during the search of a child or young person, these must be dealt with appropriately. Safeguarding concerns must always be shared via a PPN, to inform a multi-agency response.
- Relevant factors or enquiries that may identify a cause for concern include:
  - The time of the stop – for example, if they are out during school hours or very late at night;
  - Whether someone is with them who may be exerting pressure to commit a crime or otherwise exploit them;
  - Signs of vulnerability, such as physical signs of neglect, difficulty in communicating, bravado or insolence used to disguise undue alarm or actual fear;
  - If the child / young person is looked after or missing from home; and/or
  - When a young person is stopped multiple times and nothing is found.
- Guidance must be sought from a supervisor where required.
- The Niche stop and search reference number must be included on any internal information sharing and/or PPN submissions following a stop and search encounter.

**Children under 10 years of age:**

- Children under 10 years of age must only be stopped and searched in exceptional circumstances. Where it is necessary to do so, regardless of the extent of the search (JOG, MTS or EIP/Strip), every effort must be made for the search to be conducted in a child friendly location in the presence of an appropriate adult. This could mean taking the child to their home address to be searched in the presence of their parent or guardian. Where this is not operationally possible, the search must, as a minimum, take place in a safe and controlled area, a police station being preferable to the street or police vehicle.
- If not present when the child is searched, a parent or guardian must be informed at the earliest opportunity.
- A PPN must be submitted in all instances where a child under 10 years of age is stopped and searched.

**EIP/Strip search of children and young people – PPN submission:**

- A Public Protection Notice (PPN) must be submitted when a child or young person, aged 17 years or under, is the subject of an EIP search.

**Reasonable grounds for suspicion**

- Unless exercising a specific ‘no suspicion’ search power, officers must have reasonable grounds for suspicion before searching an individual. This means:
  - Officers must genuinely suspect they will find the item they are looking for; and
  - It must be objectively reasonable for officers to suspect this given the information available to them.

- Personal factors can never support reasonable grounds for suspicion. This includes:
  - Physical appearance (except where there is information or intelligence giving a specific description);
  - Stereotypes; and
  - Previous convictions.
- In the case of groups, each search must still be justifiable in its own right and the officer must consider whether each specific search is necessary and proportionate in the circumstances.
- It is the responsibility of individual officers to ensure that searches based only on the smell of cannabis can be justified and are carried out in accordance with PACE Code A.
- Where tactical options such as drugs, dogs or knife arches are deployed without specific intelligence they do not in themselves provide sufficient grounds to justify a stop search but may be treated as an indicator of the need for a further stop and account. This stop and account may then provide supporting information which combined with the initial indicator amounts to reasonable grounds for suspicion.
- The record must include the object of the search and full grounds for it, indicating what was sought and reasons for suspicion.
- If the grounds relate to any specific intelligence or sensitive information, the details of this must not be recorded on the search record as this may be disclosed to the person searched, but the grounds must make reference to the fact that there is information which cannot be disclosed but is recorded elsewhere, this must be in the officer's pocket notebook.
- If a group of people are searched each record must contain grounds specific to that individual and must not disclose information about associates, e.g. previous convictions.
- If the search is an EIP search, the explanation must include the reasons why an EIP search was necessary (i.e. the reasons discussed with the supervisor).
- Where a search is an EIP search is carried out, the search record must include confirmation that a supervisor was consulted, who this was and when they were consulted.

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**Use of body worn video**

- A video recording does not replace the need for officers to complete a 'record of search.'
- Where available, body worn video (BWV) must be used in accordance with force policy. The standard approach is that BWV must be activated so as to capture all the relevant information in the time leading up to the person being detained for a search, the conduct of the search itself and the subsequent conclusion of the encounter.
- Where an EIP search takes place, officers must record the encounter in accordance with force policy but must cover the camera (or direct it away from the person) whenever intimate body parts are exposed. Audio recording must remain activated. The officer must explain to the person

that the recording is for the protection of all parties and reassure them that intimate parts will not be filmed.

- Footage may be viewed by District Scrutiny Panels.
  - Unless an arrest is made, footage will be non-evidential.
  - Should an officer be concerned about a potential complaint, a supervisor must view the footage to confirm the actions taken, prior to automatic deletion after 90 days.
  - There is currently no specific power within PACE to take a photographic or video image of a person during a stop search, although such action is not explicitly prohibited either.
  - Persons searched are not obliged to provide their name, address or date of birth. Officers must not use body worn video for the sole purpose of identifying the subject.
  - Officers must refer to the Body Worn Video policy for further guidance.
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## Building Searches

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### Principles

- Building searches must be conducted professionally in accordance with the Human Rights Act 1998 and PACE Code of Practice B. Which covers searching with a warrant, entry without a warrant, searching with consent, considerations and seizure and retention of property.
  - Officers must correctly, record a building search on a Form 181 and obtain authorisation:
    - *If a Niche custody record exists:* Authorisation for the search must be made on there;
    - *If a Niche record is made:* An authorisation signature is not required on the Form 181, only on the record;
    - *If no Niche record exists:* Authorisation must be made in writing on the Form 181.
  - The Form 181 must be printed before attending the address.
  - The Form 181a must be completed if property is seized.
  - Health and Safety is of paramount importance when conducting searches. Dynamic risk assessments will always be required.
  - If it is determined that a building, room or area requires a detailed forensic examination, this must be done prior to a systematic search.
  - Damage must be kept to a minimum, and officers must use the appropriate tools to assist with the search.
  - Officers must not disclose anything to the occupants which may jeopardise the source of the information.
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## Responsibilities

### Supervisor

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<b>Responsibilities</b>	<p>Supervising officers are responsible for:</p> <ul style="list-style-type: none"> <li>• Completing the supervisory check and audit screen in a timely manner to allow the information to be disseminated, ensuring: <ul style="list-style-type: none"> <li>○ It is completed correctly;</li> <li>○ There are sufficient grounds to lawfully conduct the stop and search without discrimination; and</li> <li>○ Should issues be identified, that they have been addressed appropriately.</li> </ul> </li> <li>• Promoting compliance with Force policy and completion of stop and search records via the handheld device at the location where they occur.</li> <li>• Monitoring the use of stop and search powers and their recording to ensure they are conducted in accordance with PACE Code of Practice A, considering also whether there is any evidence they are being conducted on the basis of stereotype or inappropriate generalisations;</li> <li>• Auditing all records and dip sampling Body Worn Video footage, taking into account the considerations, to reveal if there are any trends or patterns which give cause for concern, and identifying solutions for improvement;</li> <li>• Referring to the Local Policing – Operations – Stop Search intranet site for most recent lessons learned/key areas to note and using this information to inform their dip sampling of stop and search Body Worn Video footage;</li> <li>• Providing positive feedback to officers and taking appropriate action regarding problem areas, which may include action plans, additional training or in certain circumstances disciplinary actions; and</li> <li>• Keeping their own records of EIP consultations, including who, when and what the outcome of the consultation was. Also, reasons and whether the EIP search went ahead, so that these can be cross referenced to officer records.</li> </ul>
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## Inspector

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<b>Responsibilities</b>	<p>Inspectors are responsible for:</p> <ul style="list-style-type: none"> <li>• Completing dip samples of supervisory stop and search Body Worn Video reviews, promoting a qualitative approach; and</li> <li>• Ensuring that both positive and developmental feedback is provided to officers by supervisors and is recorded appropriately.</li> </ul>
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## District/Department SLT Stop and Search Leads

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<b>Responsibilities</b>	<p>District/Department SLT Stop and Search leads are responsible for:</p> <ul style="list-style-type: none"> <li>• Implementation and oversight of appropriate stop and search dip sampling processes at a local level to aid understanding of local data; and</li> </ul>
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- Ensuring that local procedures are in place to understand any inequalities within stop and search data.
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## Local Policing

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- Responsibilities** Local Policing Operations are responsible for:
- Completing routine dip sampling of supervisor Body Worn Video reviews and reporting findings to districts / departments;
  - Producing annual force-wide updates from Body Worn Video dip sampling and Scrutiny Panel feedback; and
  - Identifying and disseminating best practice and organisational learning.
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## Additional Information

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**Compliance**

This policy complies with the following legislation, policy and guidance:

- APP Stop and Search
  - Violent Crime Reduction Act 2006
  - Police and Criminal Evidence Act 1984 (PACE)
  - Police and Criminal Evidence Codes of Practice
  - Best Use of Stop and Search Scheme 2014
  - Human Rights Act 1998
  - Data Protection Act 2018
  - Stop and Search Manual
  - Trans and Non-Binary People policy
  - Body Worn Video (BWV) policy
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**Supporting Information**

The supporting information for this policy can be accessed via this link.

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