

# Stop and Search explained

How police powers work in the community



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# Foreword

**I was asked in June 2004 by Home Office Ministers Hazel Blears and Baroness Scotland to chair a Community Panel to support Ministers in their efforts to reduce the disproportionate use of stop and search powers against members of the Black and Minority Ethnic community. Stop and search figures published by the Home Office consistently show that if you are black, you are six times more likely to be stopped and searched than if you are white. If you are Asian, the disproportionality is 2:1.**

The Community Panel has had access to, and received support from, representatives from the police service, police authorities and policy makers in central government. Their contribution and support have been valuable in helping us to shape certain policies and practices around stop and search. I am confident that, through our common efforts, we can influence practice to ensure the fair and proper use of stop and search powers across our society.

From the beginning it was agreed that stop and search should be intelligence led with a clear strategy for its use by individual police officers and police commanders. If it is not used in this way it becomes a less effective tool for detecting crime and its misuse could result in less public engagement with the police.

One way to ensure effective use is to make sure that those exercising the powers are fully accountable. That is why people who are stopped and searched, and those to whom they turn for advice, must know their rights under the law. Police and police authorities are working with local communities to spread knowledge of stop and search powers, what should be expected of police officers in terms of courtesy and the right to complain if the powers are in any way misused. This latest publication was commissioned and approved by the Community Panel. I hope you will find it helpful.

LORD VICTOR ADEBOWALE CBE  
HOUSE OF LORDS

# Why we're talking about stop and search

**In spring 2005, we – the Community Panel – carried out a public consultation exercise on stop and search powers. We held seven events across the country and received a clear response – guidance on the use of stop and search was needed for police and police authorities and a separate document should be created for community organisations and community workers.**

We have produced this document to meet the community need. This booklet sets out information for people working within the community and explains:

- what people can expect if they are stopped or stopped and searched;
- how to make a complaint if they are unhappy with the way the police have treated them.

Later in the booklet there are some examples on how these powers are used locally and further information on community involvement, such as:

## Community involvement case study – Merseyside

Year 10 students were invited to Merseyside police authority in July 2005 as part of a 'Summer Splash' event.

A number of issues were discussed, and the young people were able to meet authority members and police officers.

A quiz was held to prompt discussion among the young people regarding what they knew about stop and search rights – for example, asking whether they believed that they could be stopped and searched simply because they were a young person, or whether the police had to have a reason to stop and search.

This interactive quiz then led to discussion about the young people's experiences of stop and search.

Through this, authority members were able to explain their responsibility to the community to monitor and raise awareness of stop and search rights, and at the same time the police officers were able to explain why the use of stop and search was sometimes necessary to keep communities – including young people – safe.

# We're all responsible

**We all have a civic duty to help prevent crime. Citizens can help build safer communities and, by working together with the police, help reduce crime and catch offenders.**

## Being accountable

The police service is accountable to the local community, and it has a duty to make sure citizens don't suffer arbitrary and unnecessary interference.

All police forces in England and Wales have to comply with Recommendation 61 of the Stephen Lawrence Inquiry Report, which says that a record must be made by police officers of all stops and searches, including non-statutory or so-called 'voluntary' stops, and that a copy must be given to the person stopped. The police have the power to detain someone for a stop or stop and search – but they must explain why they have stopped someone and provide them with a record.

## What this means

We hope this level of accountability will deliver:

- greater openness and police accountability;
- increased community confidence in the process – if people are stopped, they must be treated fairly;
- understanding on what people can do if they are not satisfied with the conduct of a stop.

# What is a **stop** or a **stop and search**?

## **A stop or stop and search occurs when someone is asked to account for themselves**

Questions such as ‘What are you doing?’, ‘Where have you been?’, ‘What are you carrying?’ or ‘Where are you going?’ mean that the officer is asking someone to account for themselves. When this happens the officer must give that person a record of the event. The way in which the stop or stop and search is conducted by a police officer or police community support officer is set out in law and must be followed.

## **Simply talking to a police officer or police community support officer is not a stop**

If someone asks for directions or the police are looking for witnesses to a reported incident or trying to establish the background to an incident, it’s not a stop. A stop is when they ask someone questions about what they are doing or where they are going.

## **There are three different police procedures:**

- **STOP** – when a police officer stops someone in a public place and asks them to account for themselves.
- **STOP AND SEARCH** – when a police officer stops and then searches a person, their clothes and anything they are carrying.
- **VEHICLE STOP** – a police officer can stop any vehicle and ask the driver for driving documents. This is not a stop for the purposes of stop and search, but the person may be given documentation relevant to road traffic matters. It becomes a stop if:
  - the driver or passenger is asked to account for themselves; or
  - a search is carried out of the vehicle, the driver or any passengers.

# How do stops and stops and searches **work?**

## Why should anyone co-operate if they are stopped or stopped and searched?

Everyone has a civic duty to help police officers prevent crime and catch offenders. The fact that the police may have stopped someone does not necessarily mean that they are guilty of an offence.

Apart from the inconvenience, people may feel irritated that they've been stopped when they haven't done anything wrong – that's completely understandable. However, the stop or stop and search will be much quicker if a person co-operates with police officers.

## The positive side

Don't forget that the stop or stop and search must be carried out according to strict rules – the police have a responsibility to ensure that people's rights are protected. Everyone should expect to be treated fairly and responsibly. In almost all cases, an individual should be given a record of the stop or stop and search at the time it happens. The police use these powers to help make the local community safer by disrupting crime – public co-operation is an essential part of that.

## How can people expect to be treated?

- All stops and stops and searches must be carried out with courtesy, consideration and respect.
- Police officers, and those police community support officers who have available powers, must use stop and search powers fairly, responsibly and without discrimination.
- If English is not the person's first language and they do not understand why they have been stopped, the officer must take reasonable steps to inform them of their rights.

A stop or stop and search must take as little time as possible. Anyone stopped in a public place, if asked, only has to remove their coat or jacket and their gloves, unless they have been stopped in relation to terrorism or where the officer believes they are using clothes to hide their identity (for example, a face mask worn during a public order situation). If the police officer asks someone to take off more than this, or any garment worn for religious reasons, they must take the person out of public view. The search should be carried out at or near the place where they are stopped, but they may be taken to a police station if privacy is needed.

## What happens when someone is stopped?

The officer who has stopped them must:

- explain the power under which they are being stopped or stopped and searched (for example, under section 1 of the Police and Criminal Evidence Act (PACE) 1984);
- explain why they have been stopped (for example, they match a description of a person seen running away from a shop where items were stolen);
- explain that they are being detained for the purpose of the stop or the stop and search – they are not under arrest;
- seek their co-operation to be searched – the officer can use reasonable force if they refuse to co-operate;
- explain the authorisation under which the search is being carried out if reasonable suspicion is not required;
- tell the person their name and the station they work at – unless the search is in relation to suspected terrorist activity or may place the officer in danger;
- show their warrant card if they are in plain clothes or show their warrant number if they haven't given their name; and
- explain that the person has a right to a record of the stop or stop and search.

## Why is a record given?

The individual concerned should receive a written record of the stop or stop and search at the time of the event, which sets out the reason for the stop or stop and search. If they want to complain either about being stopped or searched or the way it was carried out, this will help identify the circumstances.

Supervisors at the police station also keep a copy. They use it to monitor the use of stop and stop and search powers and check for any inappropriate use. The police service must also make arrangements for community representatives to look at their stop and search records.

Police may use the record at a later date to contact an individual about anything that may have happened in that area around the time they were stopped.

## What information does it contain?

The record must contain the following information:

- the officer's details;
- the date, time and place of the stop or stop and search;
- the reason for the stop or stop and search;
- the outcome of the stop or stop and search;
- the individual's self-defined ethnicity;
- the vehicle registration number (if relevant);
- what officers were looking for and anything they found, if there was a search; and
- the individual's name or a description if they refused to give their name – they do not have to provide the officer with their name and address.

The individual will normally be given a record at that time. However, because of operational demands (public order situations, large public events or if the officer is called to an emergency) the individual may be told where to collect the record later. A record must be made available for up to 12 months. The individual can also be given a receipt rather than a full record at the time.

## **Subject access to police records**

Under Data Protection legislation, people may request access to information held by the police. Except in very limited circumstances, police forces are obliged to comply with such requests.

# Understanding police powers

## The need for reasonable suspicion

Officers can stop and search someone if they have reasonable grounds to suspect that they may be carrying drugs, stolen articles, equipment for burglary, or firearms. They can also stop and search someone if they have received reports that they are carrying stolen goods, or because of some specific behaviour by the person.

## No need for reasonable suspicion – the ability to search anyone within a certain area

The police have the powers to stop and search people when there is a terrorist threat or a threat to public order. Stops and searches will be carried out in exactly the same way as when looking for stolen or prohibited articles. The key difference here is that the police officer does not need reasonable grounds to suspect anyone before stopping or searching them.

- **Serious violence** – Section 60 of the Criminal Justice and Public Order Act 1994 allows officers to use stop and search in a specific area at a specific time where there is a threat of public disorder. The aim is to deal with football hooliganism, gang fights and public disorder and the power must be authorised by a senior officer before use. The police do not need to have reasonable suspicion about the individual to either stop or stop and search, but an authorisation to operate in this way must be in existence.

- **Terrorism** – Section 44 of the Terrorism Act 2000 allows police officers and police community support officers to carry out stops and searches for articles that could be used in connection with terrorism. *The police do not need reasonable suspicion that such articles are present in order to use the power.* Before they can be used, the powers have to be authorised by a chief police officer for a particular location and period of time. The Secretary of State (normally the Home Secretary) must confirm authorisations within 48 hours in order for the authorisation to remain valid after that period. The authorisation is only confirmed if the Secretary of State is satisfied that it is a necessary and proportionate response to the threat.

# Important questions

## Why define anyone's ethnicity?

Everyone who is stopped or stopped and searched will be asked to define their ethnic background. They can choose from a list of national census categories that the officer will show them.

They do not have to say what it is if they don't want to, but the officer is required to record this on the form. The ethnicity question helps community representatives make sure the police are using their powers fairly and properly.

## How can people make a complaint?

If someone is unhappy with their treatment during any stop or stop and search, they can complain to the **Independent Police Complaints Commission (IPCC)**. The IPCC is responsible for overseeing the complaints system and is independent of both government and police.

Contact the IPCC at:

90 High Holborn

London WC1V 6BH

Tel: 08453 002 002 (local rate, cost from mobile phones may vary)

Email: [enquiries@ipcc.gsi.gov.uk](mailto:enquiries@ipcc.gsi.gov.uk)

With the individual's consent, the IPCC will pass the details of their complaint to the police force concerned.

### **There are other ways for people to complain. They can:**

- go into any police station and ask for their complaint to be recorded;
- contact any police force via phone, email or post;
- contact their local Citizens Advice Bureau, Racial Equality Council, Neighbourhood Warden, Youth Offending Team or Probation Service, all of whom can provide information;

- contact a solicitor or their MP and ask them to make a complaint on their behalf;
- nominate a person to act on their behalf (who must have the individual's written consent); or
- write to the Chief Constable or Commissioner of the police service concerned, or to their local police authority.

All complaints must be notified to the police service, and all complaints must be recorded and acted upon.

## What should their complaint say?

As well as the complainant's name, address and contact details, a complaint should state:

- what happened;
- when it happened;
- who was involved;
- what was said or done;
- whether there were any witnesses other than the individual and the police officer;
- where the witnesses can be contacted, if known;
- details of any damage or injury; and
- (where appropriate) the complainant's consent for the intermediary organisation to pass the details of their complaint to the police service concerned.

## How can people respond to cases of discrimination?

Racial discrimination, including during any stop or stop and search, is covered by the Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000 and the Race Relations Act 1976 (Amendment) Regulations 2003. It is unlawful to discriminate

against anyone on grounds of race, colour, nationality (including citizenship), or ethnic or national origin. All racial groups are protected from discrimination.

If anyone believes they have been stopped or stopped and searched directly because of their race or colour (or indirectly, for example because of their hairstyle or language they speak), they can make a complaint under the Act. For more information on the Act visit [www.cre.gov.uk/legal/rra.html](http://www.cre.gov.uk/legal/rra.html)

The **Commission for Racial Equality (CRE)** is an independent statutory agency set up under the Act. The CRE can promote and enforce powers in respect of race equality. Under the Act, individuals can take legal action against unlawful discrimination. The CRE has the power to take legal action against certain acts of unlawful discrimination.

Contact the CRE at:

St Dunstan's House  
201–211 Borough High Street  
London SE1 1GZ  
Tel: 020 7939 0000  
Email: [info@cre.gov.uk](mailto:info@cre.gov.uk)

A helpful guide to knowing your rights in relation to stop and search has been produced by the Association of Police Authorities (APA) – *Stop and Search: Know Your Rights*. Copies can be obtained through the website [www.apa.police.uk](http://www.apa.police.uk) or from local police authorities.

# Keeping communities informed

**The police service and police authorities must arrange for community representatives to monitor stop and search records. They must also establish ways of publishing the information, and how the powers are used locally.**

There are many different ways that communities can become involved with local policing on stop and search.

- Developing effective consultation with the local community about police work through the independent advisory groups or their equivalent.

## Community involvement case study – Manchester

Young people between the ages of 13 and 25 were asked to discuss stop and search with police and Home Office staff. They were shown the draft stop and search manual. The final version is available on the Home Office website (see [www.police.homeoffice.gov.uk/news-and-publications/publication/operational-policing/stopandsearch-intermanual1.pdf?view=Binary](http://www.police.homeoffice.gov.uk/news-and-publications/publication/operational-policing/stopandsearch-intermanual1.pdf?view=Binary)) and were keen to discuss the stop and search laws, guidance and their rights.

The forums were extremely valuable. Police and Home Office staff heard first-hand about how many times the young people had been stopped and how this had been carried out. The young people accepted the need for stop and search but were very concerned about how it was handled. They also voiced their concern about the lack of information they'd received at the time.

They came up with great ideas about how their rights could be explained, and how information about stop and search could be distributed.

- Community members being actively involved with police work at all levels to develop ideas and to question police practice (such as observing police on the beat or developing policies on the way things are done).

### Community involvement case study – Lambeth

In the London borough of Lambeth, the Stop and Search Monitoring Group forms a sub-group of the Community Police Consultative Group. The group has an important role in ensuring independent scrutiny and also brings police and local people together.

Stops data from the local police command unit is made available and is subject to analysis by community volunteers as well as a specialist police analyst. Because the monitoring group does its own analysis, it is able to reinforce or challenge any claims that are made on the basis of the data.

### Community involvement case study – West Yorkshire

Panels, which will include representatives from the police and partner agencies, will review stop records and the circumstances surrounding them. The aim is to provide a way in which the community can monitor and influence policing in their area.

## Community involvement case study – Hertfordshire

In Hertfordshire the service has developed a concept of 'Open Access' under which local people are being invited to directly observe or engage in policing. They ask for views and feedback in order to improve their services. For example, any Hertfordshire resident can go on patrol with local officers and observe stops and searches.

# Engagement – working with the police

## Get involved in training

Communities can play a role in training officers on the best use of stop and search.

### Community involvement case study – Bournemouth

In the Mock Town interactive training course centre in Bournemouth people from local communities take part in role-play. This helps officers to develop their skills.

There are other ways to get involved with the development of police policy:

## Work with joint local police authorities

Police authorities also have a critical role to play in local awareness of stop and search, especially regarding the right to an immediate record. This is in line with the authorities' responsibilities under Recommendation 63 of the Stephen Lawrence Inquiry Report which says that they should be given the duty to undertake publicity campaigns to ensure that the public is aware of 'stop and search' provisions and the right to receive a record in all circumstances.

### Community involvement case study – Devon and Cornwall

The police authority liaised with the student union in Plymouth and they agreed to distribute the 'Know your rights' 'z' card in the Fresher Pack given to all new students.

For further information on *Stop and Search: Know Your Rights* contact your local police authority or visit [www.apa.police.uk](http://www.apa.police.uk).

They also used the posters and some leaflets in a display at the Freshers Fair. Many of the students do not have English as a first language and the translated versions were of particular interest.

The Service Youth Intervention Officers and Neighbourhood Beat Managers have agreed to visit all schoolchildren over 12 to ensure each child receives a 'z' card – about 105,000 in all. The benefits of this approach, apart from the excellent distribution, are that it enhances neighbourhood policing by offering a positive reason for Neighbourhood Beat Managers to visit schools and talk to students.

Police authorities should also discuss with their communities how the police use of stop and search affects their relationship with the police. Police authorities should assess and monitor how stop and search affects community trust and confidence in the police, particularly among Black and Minority Ethnic communities and younger people.

### Community involvement case study – Lancashire

The police authority can always commission research projects specifically aimed at consulting with the various Black and Minority Ethnic groups. For example, in Lancashire research has specifically looked at:

- respondents' awareness of, and attitudes towards, stop and search;
- how to ensure public involvement in stops monitoring and reporting back to the community;
- drawing out expectations from respondents;

- how a monitoring panel could work;
- who should be involved;
- where the authority can find volunteers;
- the information a panel would need;
- whether stops are as much of an issue for whites as non-whites;  
and
- what might result after stops data is published.

The research will also address how the police and authority communicate effectively with community groups and what community groups would like to know from the police.

# Community panel

## membership details

Lord Victor Adebowale CBE – House of Lords  
[www.turning-point.co.uk](http://www.turning-point.co.uk)

Doreen Lawrence – The Stephen Lawrence Charitable Trust  
[www.stephenlawrence.org.uk](http://www.stephenlawrence.org.uk)

Baroness Uddin – House of Lords

Massoud Shadjareh – Islamic Human Rights Commission  
[www.ihrc.org.uk](http://www.ihrc.org.uk)

Ben Bowling – Academic, King’s College London

Iqbal Bhana – Independent

Ken Barnes – c-a-n-i consultancy

Reverend Nims Obunge – The Peace Alliance  
[www.peacealliance.org.uk](http://www.peacealliance.org.uk)

Desmond Lewis – The Black Londoners Forum  
[www.blacklondon.org.uk](http://www.blacklondon.org.uk)

Thomas Chan – Independent

Tanuka Loha – 1990 Trust  
[www.blink.org.uk](http://www.blink.org.uk)

Andrea Nicola George – Lambeth Youth Council  
[www.lambeth.gov.uk/Services/CouncilDemocracy/YouthCouncil/](http://www.lambeth.gov.uk/Services/CouncilDemocracy/YouthCouncil/)

Lee Jasper – Equalities and policing, Mayor’s Office, GLA

Khalid Sofi – Muslim Council of Britain  
[www.mcb.org.uk](http://www.mcb.org.uk)

Erinma Bell – Community Alliance for Renewal, Inner South  
Manchester

Raymond Bell – Community Alliance for Renewal, Inner South  
Manchester  
[www.carisma.me.uk](http://www.carisma.me.uk)

For more information on the work of the Community Panel (including  
copies of minutes of meetings) see:  
[www.police.homeoffice.gov.uk/operational-policing/powers-pace-codes/stop-search1.html/community-panel.html](http://www.police.homeoffice.gov.uk/operational-policing/powers-pace-codes/stop-search1.html/community-panel.html)

The Community Panel can be emailed at:  
**[communitypanel@homeoffice.gsi.gov.uk](mailto:communitypanel@homeoffice.gsi.gov.uk)**

# Useful websites

[www.police.uk](http://www.police.uk) – to find information on your local police station

[www.apa.police.uk](http://www.apa.police.uk) – to find information on your local police authority

[www.ipcc.gov.uk](http://www.ipcc.gov.uk) – to find information on the complaints process and system

[www.cre.gov.uk](http://www.cre.gov.uk) – for information on the Commission for Racial Equality

[www.victimsupport.org.uk](http://www.victimsupport.org.uk) – for information on your local Victim Support Office

[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk) – for information on your local Citizens Advice Bureau

[www.ihrc.org.uk](http://www.ihrc.org.uk) – for information on the Islamic Human Rights Commission

[www.communities.homeoffice.gov.uk/](http://www.communities.homeoffice.gov.uk/) – for information on how communities and government can work together

[www.police.homeoffice.gov.uk/operational-policing/powers-pace-codes/stop-search1.html/](http://www.police.homeoffice.gov.uk/operational-policing/powers-pace-codes/stop-search1.html/) – Home Office stop and search website

# Acknowledgements

## **Thank you to the following contributors:**

The Association of Police Authorities (APA)

The Independent Police Complaints Commission (IPCC)

## **Further information**

Powers – more information on the stop and search powers are contained in the Police and Criminal Evidence Act 1984 Code of Practice A.

All police stations must have a copy available for consultation. A copy can be downloaded from [www.police.homeoffice.gov.uk/operational-policing/powers-pace-codes/pace-codes.html](http://www.police.homeoffice.gov.uk/operational-policing/powers-pace-codes/pace-codes.html)

# A summary of the main stop and search powers

This table relates to stop and search powers only. Individual statutes below may contain other police powers of entry, search and seizure.

For a full list of the stop and search powers, please see annex E of the stop and search manual on the Home Office website – [www.police.homeoffice.gov.uk/news-and-publications/publication/operational-policing/stopandsearch-intermanual1.pdf?view=Binary](http://www.police.homeoffice.gov.uk/news-and-publications/publication/operational-policing/stopandsearch-intermanual1.pdf?view=Binary)

Power	What police can search for	Who and what they can search	Where they can search
Police and Criminal Evidence Act 1984, s1	Stolen goods; articles for use in certain Theft Act offences; offensive weapons, including bladed or sharply pointed articles (except folding pocket knives with a bladed cutting edge not exceeding 3 inches); prohibited possession of a category 4 (display grade) firework, any person under 18 in possession of an adult firework in a public place.	Persons and vehicles	Where there is public access
	Criminal Damage: Articles made, adapted or intended for use in destroying or damaging property	Persons and vehicles	Where there is public access

<b>Power</b>	<b>What police can search for</b>	<b>Who and what they can search</b>	<b>Where they can search</b>
Terrorism Act 2000, s.44(1)	Articles which could be used for a purpose connected with the commission, preparation or instigation of acts of terrorism	<i>Vehicles, driver and passengers</i>	Anywhere within the area or locality authorised under subsection (1)
Terrorism Act 2000, s.44(2)	Articles which could be used for a purpose connected with the commission, preparation or instigation of acts of terrorism	Pedestrians	Anywhere within the area or locality authorised
Paragraphs 7 and 8 of Schedule 7 to the Terrorism Act 2000	Anything relevant to determining if a person being examined falls within paragraph 2(1)(a) to (c) of Schedule 5	Persons, vehicles, vessels etc.	<i>Ports and airports</i>
Section 60 Criminal Justice and Public Order Act 1994, as amended by s.8 of the Knives Act 1997	Offensive weapons or dangerous instruments to prevent incidents of serious violence <i>or to deal with the carrying of such items</i>	Persons and vehicles	Anywhere within a locality authorised under subsection (1)



