

**RESTRICTED****South Yorkshire Police**  
**Procedural Instructions****Title: Stop and Search Instructions**

This document is part of the SYP Statement of Agreed Policy on Stop and Search D51166 which also lists any other related procedural instructions. You may wish to refer to this now.

The following topics are covered:

Use of the Power

Grounds for the Search

Object of Search

Conducting the Search

Voluntary Searches/Consent

Intelligence

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**Instructions:**

In exercising the Powers under the [Police and Criminal Evidence Act 1984 \(PACE\)](#) and those specified in Annex A of CODE A of the Codes of Practice, the Stop Form GEN/164 will be used. See also Stop and Search – Completion of GEN/164 D51168. In addition to recording Stop Searches under PACE, the form will be utilised to record all traffic stops where the driver is required to produce driving documents, issued with a Vehicle Defect Rectification Form, requested to provide a breath test for analysis or issued with a fixed penalty ticket.

**1.1 Use of the Power**

[Code A of PACE](#) sets out the legal basis for all Stop and Searches. Compliance is essential in every case.

The Code applies to powers of stop and search as follows:

- Powers which require reasonable grounds for suspicion, before they may be exercised; that articles unlawfully obtained or possessed are being carried, or under [section 43 of the Terrorism Act 2000](#) that a person is a terrorist.

- Authorised under [Section 60 of the Criminal Justice and Public Order Act 1994](#), based upon a reasonable belief that incidents involving serious violence may take place or that people are carrying dangerous instruments or offensive weapons within any locality in the police area.
- Authorised under [Section 44\(1\) and \(2\) of the Terrorism Act 2000](#) based upon a consideration that the exercise of one or both powers is expedient for the prevention of acts of terrorism.
- Powers to search a person who has not been arrested in the exercise of a power to search premises ( [PACE Code B paragraph 2.27](#))

## 1.2 Grounds for the Search

For every Stop and Search there **must be** reasonable grounds/suspicion based upon objective grounds, specific to the circumstances of that stop/search. An exception to this would be searches authorised under [Section 60 of the Criminal Justice and Public Order Act 1994](#).

Reasonable suspicion can never be supported on the basis of personal factors alone. There must be reliable supporting intelligence/information or some specific behaviour by the person concerned. For example, a person's race, age, appearance, or the fact that the person is known to have a previous conviction, **cannot** be used alone or in combination with each other as the reason for searching that person. Reasonable suspicion cannot be based on **generalisations** or **stereotypical images** of certain groups or categories of people as being more likely to be involved in criminal activity.

Bland statements such as 'known criminal', 'high crime area', 'time of day' or a combination of these are **not** acceptable or valid, because they are neither detailed nor specific.

Phrases such as '*acting suspiciously*' and '*furtive behaviour*' must be qualified by specific detail of action or conduct, for example '*seen to quickly hide object under coat*' or '*matched description of person reported to be carrying knife*'.

## 1.3 Object of Search

The item(s) sought must be specific and relate to the grounds for conducting the search, ie 'prohibited article' is not a sufficiently specific object. The nature of the article being sought should be specified, eg item for going equipped, offensive weapon, knife or bladed implement.

The extent of the search will be related to the nature of the article sought. Once the object of the search is found, the grounds for a lawful search will have come to an end. However, on occasions further reasonable suspicion will arise during the course of a search. In such cases the officer should explain the new grounds and object of the proposed 'further' search to the subject prior to any further search taking place.

## 1.4 Conducting the Search

In accordance with PACE, officers must give their name and station (and produce their warrant card if not in uniform). In the case of enquiries linked to the investigation of terrorism, or otherwise where the officer reasonably believes that giving his or her name might put him or her in danger, a warrant or other identification number shall be given. The object of the search, grounds for the search and explanation of entitlements must be given to the person being searched, **prior** to conducting the search.

The manner in which officers undertake Stop and Searches can have a major impact on those subject to the procedure, and this in turn can influence community relations. Previously, the main criticism in respect of Stop and Search has been with regard to the manner and attitude of the searching officer(s), coupled with a lack of an explanation. Cooperation should be sought for all PACE searches, with a full explanation being given in a polite, courteous manner. Reasonable force may only be used as a last resort. Every effort should be made to maintain the dignity of the person being searched.

If the person being searched, or in charge of a vehicle to be searched, does not appear to understand what is being said, or there is any doubt about the person's ability to understand English, the officer must take reasonable steps to bring information regarding the person's rights and any relevant provisions of the Code of Practice to his or her attention. If the person is deaf or cannot understand English and is accompanied by someone, then the officer must try to establish whether that person can interpret or otherwise help the officer to give the required information.

**The cultural, racial, religious, gender, transgender and physical needs of an individual are of paramount importance during a search. Do not assume any of these – ask and respect.**

### **1.5 Voluntary Searches/Consent**

There is little doubt to members of the public what constitutes a search. It is a search whether or not the officer physically searches them or gets them to turn out their pockets, remove outer garments or open bags. Previously, searches where members of the public have freely shown officers what they wanted to see were termed '**Voluntary Searches**' and these were not necessarily recorded.

**The position of the Police Service is now very clear and aligns with the public perception. A search is a search and must be recorded as such. Voluntary searches will cease except when entering a sports ground or other premises and search is a condition of entry. No power – No search.**

## **2 Intelligence**

Quality intelligence is vital to the effective use of Stop and Search powers. It will be most effective when based upon it and, where possible, checks should be made to ensure any intelligence is still current and valid. The use of Stop and Search should also generate quality intelligence reports.

Where possible, intelligence should be used to support the use of the power in **hot spot** crime areas and with **target criminals**, though specific reasonable grounds must exist for each individual search.

Each district should have systems in place to provide officers with the best intelligence available to inform the decision-making process. Informed professional briefings will assist in meeting local needs.

The intelligence gathering value of Stop and Search needs to be promoted. Whenever appropriate, officers should complete the **Reporting Officer's Note** section to the rear of the Stop Form (GEN/164) as an aid to the subsequent submission of a **National Intelligence Report - Form A** (formerly a CID 122) for the attention of the District/Department Intelligence Unit. To ensure maximum benefit from the detailed information captured, any such report should **always** contain the **serial number** of the relevant Stop Form.

## **3 Recording**

The stop and search forms should be fully completed in accordance with the Notes for Guidance found in Appendix A.

Once a search is completed, in accordance with [Code A of the Code of Practice](#), a record of the search must be made at the time, and a copy given to the person searched, or in charge of the vehicle searched, **immediately**. This must be done unless there are exceptional circumstances that would make this wholly impractical (e.g. serious public disorder). If a record is not made at the time, the person should (if practicable) be informed of their entitlement to a copy and which police station they should apply to (within 12 months). If a copy of the form is not given the reason must be endorsed thereon prior to submission.

If more than one officer is involved in the search, their identity should also be recorded on the form.

If a person is taken to a police station in order to be searched, e.g. for a drugs search, the location of the initial stop must be entered on the GEN/164.

The recording processes and considerations outlined within this policy will apply to all searches conducted under the [Criminal Justice and Public Order Act 1994](#).

#### **4 Search Warrants**

Searches of persons on premises conducted in pursuance of a search warrant issued under the Misuse of Drugs Act 1971 should not be individually recorded as stop/searches - but detailed upon the record of search for the premises. If it is intended to search persons found on premises when executing a 'drugs warrant' this must be made clear at the application stage as, if the searching of persons is not specifically authorised, then no such searches can be undertaken (unless specific grounds exist).

It should be noted that warrants issued under other legislation e.g. [S8 PACE](#), [Theft Act](#), etc. only cover premises and not persons. Unless the warrant concerned specifically provides a power to search persons found on premises, the use of stop and search powers in such situations must be based upon reasonable suspicion for each individual searched. It should be remembered that PACE stop and search powers can not be used in a dwelling.

#### **5 Ethnicity**

The purpose of racial monitoring is to ensure that our practices do not discriminate. South Yorkshire Police is committed to accurate and comprehensive monitoring and, for this reason, it is important to gather this information as accurately and sensitively as possible.

When ascertaining a person's racial origin, they should be asked to self-define themselves. The forms are in booklet format and contain a table outlining the '16+1 categories'. The subject may not know these, but the list could be read or shown to them. If they wish to be described differently, no objections should be raised and an entry should be made in the 'other' section of the form. If their self description is not provided, for example they refuse, or you are called away urgently; the appropriate category to record will be 'NS' (Not Stated). The usual PNC Description Code should be completed in such instances (the Code is listed in table format within on the inside cover of the GEN 164 booklet). It is good practice to complete this part of the process after the Stop and Search has taken place.

See Appendix B for further guidance on Ethnicity and Descriptive Monitoring.

#### **6 Database**

An ORACLE-based computer system has been developed to allow for recording of data obtained through use of the Stop Forms and subsequent production of statistics and

information by trained analysts. The system will be taken into use shortly after the introduction of these Procedural Instructions.

All districts and relevant departments will utilise this system to record searches under PACE and associated powers. The database will allow for in-depth analysis of police activity in this area and should be considered when planning intelligence led initiatives and identifying targets/locations/hot spots. It is essential therefore that completed forms are scrutinised by supervisors to ensure **best quality**. This means lawful powers used, relevant sections completed and legible handwriting.

## **7 Performance Indicators**

No District or Department should have set numerical targets for stop and search. The importance is the quality of searches conducted, not the quantity. The number of searches should not be used as an indicator of success or performance indicator for individual operations or initiatives.

## **8 Responsibility of Officers**

All officers must:

- Know their neighbourhood, and be aware of the latest criminal and community intelligence.
- Be aware of the community's needs in terms of race, culture, religion, sexuality, disability, language, transgender or gender.
- Have a sound knowledge of their powers and procedures and use them objectively.
- Recognise that not everyone who is stopped has to be searched. If the grounds for a search cease at any time, the interaction should tactfully be brought to an immediate close, thereby retaining mutual respect.
- Remember that the lack of an arrest does not indicate that the Stop and Search was unlawful, inappropriate or valueless. Whilst crime detection is a primary aim, negative searches can yield valuable intelligence.
- Be aware that they are liable not only for their own actions, but also for the actions of their colleagues. All police officers have an individual responsibility to challenge inappropriate behaviour.
- Recognise that anybody has the right to observe an officer conduct a Stop and Search, unless they are preventing them from exercising their lawful duty, or breaching the privacy of the person being searched. Treat it as an opportunity to show professionalism and inspire confidence.
- Always consider their personal safety and that of others when carrying out a search.

### **More specifically officers must:**

- Inform the person of their rights prior to searching.
- Record all Stop and Searches on the GEN/164, fully completing **all** relevant sections in a clear and concise manner, including the 'object' and 'grounds', to justify use of the power.
- Record this at the right time and provide the person stopped and searched with the relevant copy or copies. (Any exceptions must be wholly justifiable).

- Ask the person searched to sign the form (voluntary request).
- Have the top copy of the form checked by a supervisor prior to submission.

## 9 Responsibility of Supervisors

Supervisors must:

- Check all forms submitted by their staff for completeness and legality, signing them to this effect. If the form is not acceptable owing to the grounds, object of search, completeness, or other reason this should be recorded and the matter discussed with the officer concerned, and where necessary consideration should be given to remedial training and, or disciplinary action.
- Monitor the use of Stop and Search powers for compliance with PACE Code A, considering in particular whether there is any evidence that the powers are being exercised on the basis of stereotyped images or inappropriate generalisations and should monitor records for any trends or patterns which give cause for concern. (If required, District Analysts will be able to assist with provision of figures for individual shifts/officers etc.). Again, should breaches of the Code be evident, appropriate action should be taken.
- Ensure that officers are actively supervised, led and supported and encouraged to promote effective use of stop and search. Practical, visible supervision ensures best practice.
- Give regular feedback to their officers in respect of the use of stop and search, recognising and rewarding good practice when it is identified.
- Remember **Quality v's Quantity**, and ensure **Integrity** is not compromised.

## 10 Responsibility of District Commanders and Relevant Heads of Departments

District Commanders/Department Heads must ensure:

- Monitoring of the use of the power at District/Departmental level, using information from the database to identify trends and any evidence of unfair or inappropriate use, e.g. disproportionality in relation to different ethnic groups and ensure necessary action is taken to address any problems identified.
- The provision of accurate data to HQ (Statistics) for the completion of the Section 95 Criminal Justice Act 1991 returns (i.e. statistics required by the Home Office showing the number of searches, ethnicity etc.).
- That supervisors are fulfilling their role in scrutinising their officers' activities and are supported in challenging inappropriate behaviour.
- That the number of Stop and Searches is **not** a performance indicator alone, but the focus is on quality, the yield from searches and building relationships.
- Analysis is undertaken at a local level, publicised and acted upon in line with the aims of **increasing public confidence, ensuring legality and maximising effectiveness.**
- All Inspectors, Chief Inspectors and Superintendents know their responsibilities under [Section 60 of the Criminal Justice and Public Order Act 1994.](#)

## **11 Responsibility of Chief Officers**

Chief Officers must ensure:

- The promotion of public confidence in the use of these powers in consultation with the Police Authority, making arrangements for the records to be scrutinised by representatives of the community and explain the use of the powers at a local level.
- All members of the ACPO team know their responsibilities as authorising officers under Sections 44 and 45 of the Terrorism Act 2000.
- That the importance of intelligence from Stop and Search is recognised force-wide.
- Stop and Searches are quality assured in internal inspections.
- Analysis is undertaken centrally to assist Districts in the interpretation of Stop and Search Data in line with the objectives of increasing public confidence, ensuring legality and maximising effectiveness.

## **12 Responsibility of Headquarters Statistics Department**

- Provision of Section 95 Criminal Justice Act 1991 (ethnic monitoring) returns to the Home Office.
- On a quarterly basis HQ Statistics Department will collate the information and send the relevant Home Office returns. These will show the figures for stop and search, with arrests for each of the 16+1 categories. This information will then be published on HQ Specialist Crime Services Statistics Department Website for internal SYP users to view.

## **13 Responsibility of Corporate Development Department**

- Using the data provided by HQ Statistics Department, CDD will produce arrest rates and ratios of stop searches per 1000 population force-wide and by district. The figures will then be included in the monthly Performance Bulletins, which are published on the Force Intranet.

## **14 Responsibility of Community Safety Department**

- Force level monitoring of the use of the power.
- Prepare reports for Chief Officers and the Police Authority.
- In conjunction with the Police Authority take reasonable steps to raise public awareness in relation to powers and procedures in relation to Stop and Search.

## **15 Quality Assurance**

Each district/relevant department has a responsibility to check and examine sufficient Stop and Search forms each 'quarter' to ensure viable quality assurance, notably:

- Compliance with force policy;
- Acceptability of completeness;
- Accuracy of data input onto Access database (from form to computer system); and
- Appropriate level of supervision.

Action plans should then be put in place to address any identified problem areas.

## **16 Retention of Stop and Search Forms**

Stop and search forms will be retained at District for a period of 7 years.

## **17 Human Rights**

The power to stop and search is a discretionary power. Before exercising the discretion to stop and search, officers will need to consider the following questions in order to ensure that their decisions will not offend against Human Rights Law:

- **Proportionality: Is your action proportional to the act/problem you are seeking to stop/prevent.**
- **Legality: Your actions must be based on clear and publicly available legal authority.**
- **Accountability: Show your reasons behind your action. Think through your decisions.**
- **Necessity: Actions must be necessary in a democratic society. You must be able to justify any infringements of rights.**

**And**

- **That there is a clear need to document the decisions made and the action taken.**

A primary duty of the police is to protect and uphold human rights. There are no exceptions, everyone is included; victims and potential victims of crime as well as suspects and offenders.

The use of legal powers in stopping vehicles and, in particular, the use of Stop and Search powers, is an intrusive use of authority which impacts upon a persons liberty. It is a serious matter and should only be used when it is the least intrusive option to achieve the purpose. Dignity must always be respected and all actions must be fully accountable, reasoned and recorded.

We are obliged to desist at any point if there ceases to be reasonable grounds, or if a less intrusive way of achieving the same purpose becomes apparent.

### **Start date:**

*15 December 2004.*

These instructions are new.

### **Review:**

These instructions are managed by Superintendent, Community Safety Department.

These instructions were last reviewed on:

The date for the next review of these instructions is: December 2004.

Appendix A

| MAJOR CATEGORIES              | SUB – GROUPS                  | CODE |
|-------------------------------|-------------------------------|------|
| WHITE                         | A. White – British            | W1   |
|                               | B. White – Irish              | W2   |
|                               | C. Any Other White Background | W3   |
| MIXED                         | D. White and Black Caribbean  | M1   |
|                               | E. White and Black African    | M2   |
|                               | F. White and Asian            | M3   |
|                               | G. Any Other Mixed Background | M9   |
| ASIAN OR ASIAN BRITISH        | H. Asian - Indian             | A1   |
|                               | I. Asian - Pakistan           | A2   |
|                               | J. Asian – Bangladeshi        | A3   |
|                               | K. Any other Asian Background | A9   |
| BLACK OR BLACK BRITISH        | L. Black – Caribbean          | B1   |
|                               | M. Black – African            | B2   |
|                               | N. Any other Black Background | B9   |
| CHINESE OR OTHER ETHNIC GROUP | O. Chinese                    | O1   |
|                               | P. Any Other Ethnic Group     | O2   |
| NOT STATED                    |                               | NS   |

In all cases it is preferable for self-classification to be used.

The officer completing the stop and search form will use both the 16+1 Self-Defined Codes as well as the PNC 6 point code as per the Officers Perception. The table also shows classifications relate to each other.

## **SOUTH YORKSHIRE POLICE GUIDELINES FOR ETHNICITY AND DESCRIPTIVE MONITORING**

### **Key Principles**

South Yorkshire Police in common with other public services, in particular those in the criminal justice system, are required to carry out ethnicity and descriptive monitoring to assist the service in assessing if it is offering equality of opportunity and treatment to all ethnic groups. The Information can then be used to inform action as an important step in building community confidence. The two categories of monitoring are as follows:-

### **Descriptive Monitoring (Officer perception using PNC ID codes)**

The police service has routinely recorded details of people's identity for many years in the course of the detection and prevention of crime. This has taken the form of visual appearance as perceived by the police officer. The PNC system (IC Codes) will continue to be used for this purpose.

### **Self Defined Ethnicity Monitoring (16+1 codes)**

This records something very different. It does not relate to visible appearance but to people's self image in relation to their cultural origins. The 2001 Census 16+1 codes will be used for this purpose.

### **How is ethnic monitoring to be used?**

When dealing with a member of the public, explain to them the reasons why we need the information. (See the key principles above)

Show the front of the card and ask a person to self classify themselves from the 16+1 list. First refer them to the major categories and from the one they identify, ask them to choose a category from the corresponding sub group. Record their response using the alphanumeric code, e.g. white British will be recorded as 'W1'. The information must be recorded at the time. As a matter of good practice it is recommended that the question of ethnicity is raised at the CONCLUSION of the encounter.

### **Is there a power to obtain this information?**

No, the provision of this information is entirely VOLUNTARY. If someone will not state their ethnicity you must show why, by recording the reasons for a 'Not Stated' as either, 'Called Away', 'Disorder', 'Not Understood' or 'Declined'.

### **Does it have to be recorded at the time?**

Yes, unless it is impractical owing to exceptional circumstances which are:-  
Situations involving public order or when your presence is urgently required elsewhere. In those circumstances you must record the encounter as soon as practicable afterwards. The ethnicity will be recorded as 'Not Stated' and the reason given.

### **What if an ethnic group is given that is clearly false and does not exist?**

In such cases the ethnic classification should be recorded as 'Not Stated'

### **What if you do not agree with a person's self classification?**

Self-classification is an individual decision and should not be challenged. It should be recorded as given.

### **What if a person cannot understand what is being asked of them?**

Record it as 'Not Stated'.