

WILTSHIRE POLICE POLICY



STOP and SEARCH

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POLICY STATEMENT

Wiltshire Police has undertaken to operate under the [Home Office 'Best Use of Stop and Search' Scheme 2014](#). All stops and searches must be carried out in line with the rules set out in [Code A of the Police & Criminal Evidence Act 1984](#) and in accordance with the College of Policing Authorised Professional Practice.

The use of stop and search powers is a valuable and effective policing tactic to prevent crime, gain intelligence, disrupt illegal activity and secure the arrest of locally active criminals. If undertaken in the correct manner such tactics will effectively reduce crime and disorder and will have a positive impact on community relations.

The police have a range of statutory powers of stop and search available to them, depending on the circumstances. Most, but not all, of these powers require an officer to have reasonable grounds for suspicion that an unlawful item is being carried.

A 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 **genuinely suspect** that they will find the item searched for and it is **objectively reasonable** for them to suspect this, given the information available to them¹
- the person understands why they have been searched and feels that they have been treated with respect
- 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:

1. The decision to stop and/or search a person must be [fair](#).
2. The search must be [legal](#) in basis and in application.
3. Interaction with the public during the encounter must be [professional](#).
4. Police use of stop and search powers must be [transparent](#) and accountable.

The suspicion should relate to the likelihood of the person being in possession of the item, not the likelihood that they are committing an offence. In such circumstances, finding the item and arresting the offender or, alternatively, eliminating the suspicion and avoiding an unnecessary arrest are both valid and successful outcomes.

The grounds for the search should be fully explained to the person being stopped and searched, the officer must be able to give a specific explanation for suspecting the person of being in possession of the item: this should be based on specific information or intelligence, or some particular behaviour by the person. Personal factors can never support reasonable grounds for suspicion.

Officers must consider alternatives to carrying out an actual search. This includes simply having a conversation with the person or asking the person to account for their whereabouts or actions, without going on to search. Officers should also give the person the opportunity to hand any item(s) over which may mean that a subsequent search is not necessary.

Officers are not required to create a written record of dealings with a member of the public that merely amounts to a conversation or interaction such as asking someone what they are doing or where they are going. However, it is expected that Wiltshire Police officers will conduct themselves appropriately and treat people with courtesy and respect.

¹ This is an objective test in that it expects that a reasonable person given the same information would also suspect that the individual is carrying the item.

We must be proportionate and reasonable; the powers of a constable are significant and officers must be aware of the impact asking such questions may have on the individual. Officers are still expected to use their professional judgement when considering whether to record any interaction with the community in their pocket book where they consider appropriate.

All stop and search encounters must be conducted with due regard to the sensitivities of the person being stopped and with regard to any local community issues regarding the use of such powers by police.

Officers must fully record all Stop and Search encounters and be able to demonstrate grounds for the search within that record. All incidents of stop and searches will be recorded and maintained within existing Wiltshire Police systems in line with the requirements of Management of Police Information.

All Stop and Searches must be overseen by a supervising officer. The supervisor will examine the validity of the grounds for the search, the power used in relation to the object of the search and the appropriate nature of the outcome and legitimacy of the search.

The College of Policing has issued training guidance to help understanding and local training needs. Wiltshire Police has adopted and uses the College of Policing guidance as part of our Stop and Search training. More detailed guidance on an effective and fair stop and search can be found in the College of Policing [Authorised Professional Practice on stop and search](#).

Use of Body Worn Video

Where available, body-worn video (BWV) should be used in accordance with the [Body Worn Video Procedure](#).

BWV recording must commence as soon as sufficient grounds are present to request compliance with the search. BWV should be activated so as to capture all 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.

A BWV recording does not replace the need for a written record of the search/encounter to be completed by the searching officer and given to the subject either at the time or within any specified period.

Whilst there is no specific power within PACE to take a photographic or video image of a person during a stop and search, such action is not explicitly prohibited. However, users must consider Art 8 ECHR (right to private life) and consider, if requested to stop recording by the subject, whether it is necessary to continue to do so. The presumption would be that recording a stop and search encounter is likely to be proportionate unless overriding circumstances to the contrary exist.

BWV should not be used where officers conduct a search of subjects where intimate parts of the body are exposed except in the most exceptional of circumstances. The camera should be covered or directed away from the person and, where possible, audio recording should remain activated. The officer should explain to the person that the recording is for the protection of all parties and reassure them that intimate parts will not be filmed.

Use of Section 60 of Criminal Justice and Public Order Act 1994

Authorisation for the use of Section 60 will only be given by an officer of the rank of Inspector or above, who must reasonably believe that incidents involving serious violence may take place, and that such authorisation is necessary to prevent their occurrence.

Once authorisation for the use of s60 has been given the authorising officer must, as soon as practicable, inform an officer of the rank of superintendent or above.

Initial authorisations will apply for a maximum of 24 hours (for any extension, an officer of the rank of Superintendent and above will authorise).

Communication regarding the authorisation of a Section 60 to local communities should be (where applicable) made in advance. The outcomes should be communicated afterwards so that the public are informed of both the purpose and the result of the authorisation. Each Section 60 authorisation should have its own specific communications plan.

POLICY AIM

The aim of this policy is to ensure that officers comply with the law and exercise their powers to stop and search members of the public fairly, responsibly, without unlawful discrimination and with respect for the dignity of any person being searched.

Wiltshire Police's approach to stop and search will seek to improve public confidence in policing services by:

- Demonstrating to communities the fair and proportionate use of police powers
- Providing reassurance that policing encounters are managed in a way which will not negatively impact on our communities
- Increasing accountability and transparency of police action to local communities through sharing of information on stop and search encounters
- Monitoring the demographics of members of the public that are subject to stop and search encounters, and any disproportionate impact that may be evident

Wiltshire Police will ensure that stop and search powers are lawful and used effectively by:

- Ensuring stop and search encounters are intelligence led, supporting Wiltshire Police in the prevention and detection of crime
- Focussing stop and search activities in locations that intelligence has identified as 'problem areas'
- Effectively monitoring and evaluating the outcomes from stop and search encounters, including arrests made and intelligence gained

APPLICABILITY

All police officers or staff that may undertake Stop and Search in the lawful execution of their duty.

LEGAL BASIS AND DRIVING FORCE

The legal basis for Stop and Search encounters is set out within [Code 'A' of the Police and Criminal Evidence Act \(PACE\)](#).

Wiltshire Police recognises its positive duty under Human Rights Act 1998: Article 5, the right to liberty and security; Article 8, the right to respect for private and family life; and Article 10, the freedom of expression.

The policy will also take account of provisions made under the: Equality Act 2010; Road Traffic Act 1993, Misuse of Drugs Act 1971, Firearms Act 1968, Criminal Justice and Public Order Act 1994, Terrorism Act 2000' Anti Social Behaviour Act 2003, Violent Crime Reduction Act 2006, Anti Social Behaviour, Crime and Policing Act 2014, Psychoactive Substances Act 2016 ss36 to 48.

RELATED POLICIES, PROCEDURES and OTHER DOCUMENTS

[Home Office Best Use of Stop and Search Scheme](#)

[Information Security Policy](#)

[Firearms Standard Operating Procedures](#)

[Hate Crime Policy and Procedure](#)

[Missing Persons Procedure](#)

AUTHORISED PROFESSIONAL PRACTICE

Stop and Search

DATA PROTECTION

Any information relating to an identified or identifiable living individual recorded as a consequence of this policy will be processed in accordance with the Data Protection Act 2018, UK General Data Protection Regulations and the Force [Data Protection Policy](#).

FREEDOM OF INFORMATION ACT 2000

This document has been assessed as suitable for public release.

MONITORING AND REVIEW

The policy, along with Stops and Stop and Search data, will be continuously monitored, and updated to ensure full compliance with legislation. All stop searches are required to be recorded by law. Wiltshire Police will make the best use of technology to ensure every use of a power to Stop and Search is recorded accurately and efficiently..

The force will continuously monitor the quality of Stop and Search and ensure the process is robust and quality assurance checks are highlighting any issues to drive improvements.

Wiltshire Police will be open and transparent in our use of Stop and Search and welcomes scrutiny by independent organisations and our communities in how these powers are used.

Members of the public will be given the opportunity to observe officers on duty, which might entail the conducting of Stop and Search, through the Ride Along Scheme. The Ride Along Scheme invites lay members of the public to apply to observe officers undertaking their everyday duties.

Scrutiny Panels comprising members of the public and young people have been developed to review Stop and Search records and BWV on a regular basis. Wiltshire Police also has an internal panel which reviews Stop and Search information on a regular basis. Any issues raised by the panels will be directed to the force lead for stop search resolution. The panel will then receive feedback in relation to these issues.

Feedback on how we perform our duties is important to us and will help improve the service we provide. Wiltshire Police expects its officers to treat all persons in a professional manner with respect and dignity . Complaints can be made through the following channels;

- Contact Wiltshire Police in person, via letter, via phone or via the website
- Contacting the Independent Office Police Complaints.

Professional standards will monitor complaints and will deal with those in the appropriate manner.

This policy will be reviewed bi-annually and will examine: feedback from the Stop and Search Scrutiny Panel, changes in legislation, judicial rulings, examples of good practice from other Forces or other organisations, changes in Home Office Circulars, developments with NPCC Policy Unit and representations made by individuals.

WHO TO CONTACT ABOUT THIS POLICY

This policy is owned by the ACC Local Policing and Partnerships (Stop and Search Strategic Lead) and the Stop and Search Tactical Lead Insp James Williams. All queries regarding this policy should be directed to Stop and Search Tactical Lead or the Force Policy Officer.

DOCUMENT ADMINISTRATION

Ownership

Department Responsible: Operations - County
Policy Owner/Author: Supt. Liz COLES / Ps 1909 Paul Harvey
Technical Author: Andrew IRVING / Insp. James WILLIAMS
Senior Officer/Manager Sponsor: ACC Local Policing and Partnerships

Revision History

Revision Date	Version	Summary of Changes
31.07.2019	6.0	Minor amendment to BWV section re commencing recording and directing the camera when conducting intimate searches.
25.10.2022	7.0	Authorisation level and initial timescale for s60 searches changed to Inspector and 24 hours in line with Criminal Justice and Public Order Act 1994 and Home Office change to the Best Use of Stop and Search Scheme.

Approvals

This document requires the following approvals:

Name & Title	Date of Approval	Version
Continuous Improvement Team	25.10.2022	7.0
ACC Dave MINTY	15.06.2022	6.4
Insp James WILLIAMS (Tactical Lead)	24.10.2022	7.0
JNCC (Not required for all policies)	N/A	N/A

Distribution

This document has been distributed via:

Name & Title	Date of Issue	Version
E-Brief		
Email to relevant affected Staff/Officers		

Equality Impact Assessment

Has an EIA been completed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If no, please indicate the date by which it will be completed.	Date:
If yes, please send a copy of the EIA with the policy.	

Consultation

List below who you have consulted with on this policy (incl. committees, groups, etc):

Name & Title	Date Consulted	Version
Insp. James WILLIAMS,	06.06.2022 / 24.10.2022	6.2 6.4
Pc. Thomas NEWMAN	06.06.2022	6.2

Implications of the Policy

Training Requirements

Full review of training requirements is underway in the light of HMIC inspection and national thematic report on stop and search. A Stop Search Portal Page is accessible through internal Wiltshire Police systems which contain guidance for officers and supervisors and links to further reading and policy.

IT Infrastructure

No major changes due to IST limitations at present – plan to remove recording from standalone database to Niche and to utilise the new mobile solution.