



## Leicestershire Police

### Stop and Search Policy

|                         |                                        |
|-------------------------|----------------------------------------|
| Policy Owner:           | Assistant Chief Constable (Operations) |
| Department Responsible: | Specialist Support Directorate         |
| Chief Officer Approval: | Assistant Chief Constable (Operations) |
| Date of Next Review:    | May 2025                               |

**This document has been produced in conjunction with the Leicestershire Police Legislative Compliance Pack**

#### Review log

| Date          | Minor / Major / No change | Section                                                                                | Author                 |
|---------------|---------------------------|----------------------------------------------------------------------------------------|------------------------|
| May 2012      | Major                     | ALL                                                                                    | Insp Nick Glynn        |
| August 2012   | Major                     | ALL                                                                                    | Ch. Supt. Chris Haward |
| December 2014 | Minor                     | ALL                                                                                    | Ch. Supt Steph Pandit  |
| August 2017   | Minor                     | ALL                                                                                    | PS Glen Iceton         |
| March 2018    | Minor                     | Monitoring                                                                             | Ch Supt Streets        |
| Feb 2019      | Minor                     | Monitoring and Scrutiny                                                                | Ch Supt Streets        |
| August 2019   | Minor                     | Revision to Section 60 Following national removal of BUSSS and addition of link to APP | Ch Supt Streets        |
| July 2020     | Minor                     | Removal of expired link to BUSSS and replacement with new one to Gov.uk                | Ch Supt Streets        |
| October 2021  | Minor                     | Changed PILOT owner to ACC;<br>Changed PAGRE to FPAGE;<br>Changed BWV element to       | Supt Allen             |

|               |       |                                                                                          |            |
|---------------|-------|------------------------------------------------------------------------------------------|------------|
|               |       | include plain-clothes officers;<br>Included reference to annual report in "publications" |            |
| December 2022 | Minor | Addition of PILOT reporting to include u/18s;<br>Changes to BWV section                  | Supt Allen |
| Jan 2024      | Major | Addition of s.11 POA 2023 and removal of BUSSS                                           | Supt Allen |
| May 2024      | Major | Incorporates recommendations from s.60 Super complaint                                   | Supt Allen |
|               |       |                                                                                          |            |

## Statement

Stop and Search is an important tactic through which police officers can confirm or allay suspicions about individuals without exercising the power of arrest. When employed appropriately and proportionately it can increase community confidence and have a positive impact on reducing the fear of crime. To achieve this Stop and Search must be applied fairly and effectively whilst respecting basic Human Rights as set out in the Human Rights Act 1998 and the Equality Act 2010.

## Aims

To ensure Stop and Search activity in Leicester, Leicestershire and Rutland is lawful and in accordance with fundamental Human Rights and the Equality Act 2010.

To build trust and confidence by adhering the College of Policing Authorised Professional Practice ([APP](#)) for stop and search.

To achieve this aim, all stop and search activity must be:

- **Fair:** When an officer decides to stop and search a person, they must be sure that their decision to stop and search that particular person is made for the right reasons. It must be impartial and based on the facts.
- **Legal:** it must be conducted correctly in accordance with the relevant legislation
- **Professional:** Interacting with people in a professional way during stop and search encounters is crucial to maintaining public trust in the police. While people who are satisfied with a stop and search are, on average, no more or less likely to trust the police, dissatisfaction tends to have a large negative effect on trust
- **Transparent:** Transparency may be crucial to public trust and confidence in the use of stop and search powers, by making it possible for the public to see how and why stop and search powers are used and to assess what impact it might have had

## Scope

This policy relates to the use of all powers used by the Police to stop and search individuals or vehicles used by individuals including:

- The Police and Criminal Evidence Act 1984 s1 and s4 and Annex A to Code A
- Misuse of Drugs Act 1978
- Firearms Act 1968
- Road Traffic Act 1988 s163.
- Terrorism Act (2000) s 43 and s. 47A
- Criminal Justice and Public Order Act 1994 s 60.
- Public Order Act 2023

## Legal Basis

Each stop and search encounter must have a basis in law. The officer carrying out the stop and search must only do so using one of the powers provided for in legislation and it must be the right power in the particular circumstances.

The most widely used powers require the officer to have reasonable grounds for suspicion. Other powers do not, but only apply where a number of preconditions exist and should be used with particular care.

Reasonable suspicion must never be based on a persons protected characteristics under the Equality Act 2010: ie, age, disability, gender, gender re-assignment, race, religion and belief and sexual orientation can never be considered grounds for stop and search. Likewise the mere fact that a person has previous criminal convictions is insufficient to amount to reasonable suspicion.

To ensure officers treat all people of Leicester, Leicestershire and Rutland fairly and in line with the Equality Act 2010 all stop and search activity must be based on the principles laid out in the AIMS section above.

The Stop Search Procedure has been replaced with the College of Policing Authorised Professional Practice (APP) and officers and staff should refer to this for guidance on the use of stop and search.

<https://www.app.college.police.uk/app-content/stop-and-search/>

## Section 60 of the Criminal Justice and Public Order Act 1994 & The Public Order Act 2023

Until August 2019 the force had been adopting fully the BUSSS voluntary conditions in relation to section 60 authorisations however on the 9<sup>th</sup> August 2019 the Home Secretary relaxed these conditions in effect returning the authorisation back to primary legislation as per the APP and Code A.

The force has decided to adopt a hybrid model taking some of the best practice from BUSSS whilst overlaying this with Code A legislation to create a local procedure.

Additionally, the Public Order Act 2023 creates search powers relating to protest and lock-ons containing both “with” and “without suspicion” powers.

The “without suspicion” powers under s.11 POA 2023 have similar authority levels to those of s.60 CJPOA 1996 and will therefore be subject to the same blended approach.

At **Appendix A** is the local procedure which is to be adopted in relation to both s.60 CJPOA and S.11 POA authorisations.

## Monitoring and Scrutiny

The lead officer for Stop and Search is the Assistant Chief Constable (Operations). They will be responsible for the monitoring and implementation of this policy and supporting process.

To ensure the exercise of Stop and Search powers are both fair and effective the following performance information will be monitored on a monthly basis:

- The number of Stop and Search per 1000 black people for every search per 1000 white people.
- The number of Stop and Search per 1000 Asian people for every search per 1000 white people.
- The number of Stop and Search per 1000 'Other' people for every search per 1000 white people.
- The number of Stop and Search per 1000 'White' people for every search per 1000 white people.
- Taken as a whole and by location disproportionality rates.
- The total number of Stop and Search by ethnicity, gender and age.
- Volumes of different search powers used their locations and what items are found.
- Arrest rate and other positive outcome rates to include comparative equalities data.
- Which officers are using stop search powers and in what volumes.
- The volumes of searches of people under the age of 18, broken down by Gender, ethnicity, item sought and outcome.
- Find-rates across all ethnicities.

The internal PILOT group chaired by ACC Ops (Police Intervention, Legitimacy and Organisational Transparency), external Strategic and Local Independent Advisory Groups (SIAG and LIAGs), external Coercive Powers Scrutiny Group and external Stop Search Reasonable Grounds Panels will critically review the use of Stop and Search powers in Leicestershire and work to:

- Ensure stop and search is used effectively, fairly, lawfully and proportionately across the county.
- Reduce race disproportionality in the use of stop and search powers.
- Improve the trust and confidence of all communities in the way that stop searches are conducted.
- Assist Leicestershire Police in the development of stop search policy, procedure and practice.

**PILOT** group - reviews stop search data from the previous three years and carries out careful analysis to determine any trends or patterns in the conduct of stop and searches to include a wide range of factors such as the location, the officer involved, the ethnicity of the person searched and the outcome of the search. The PILOT group also reviews data in relation to the UOF, Taser and strip search both in and out of custody.

**Stop and Search Tactical Group** - This group is responsible for implementing identified best practice for Stop and Search to officers. It is chaired by a Chief Inspector and has Sergeants responsible for key work streams. These streams include stop and search coaches, lay observers and the planning and organisation of the Reasonable Grounds Panels. The group members carry out the monthly quality assurance checks in the form of dip sampling of searches, giving feedback to practitioners and identifying

wider learning. It also carries out a horizon scanning in relation to Stop and Search. It meets bi-monthly and contributes to the PILOT group.

**Body Worn Video Review Panel** – A standalone body made up of community members who review a random and representative selection of the grounds and body worn video used in stop and search and use of force encounters and provide feedback for organisational and individual learning. This body will specifically consider the use of *without suspicion* powers.

**Coercive Powers Scrutiny Group** – Bi-monthly external meeting attended by members of the community with a particular interest in stop and search and the use of police powers. It is chaired by the Chief Executive of the The Race Equality Centre (TREC) with invited attendees, and the office of the police and crime commissioner. At each meeting, the group are supplied with data about the use of stop and search and use of force powers as well as a sample of records completed by officers relating to randomly selected stop and searches. The group also undertake BWV reviews and provide feedback on policy, procedure, and use of powers.

### **Body Worn Video**

Leicestershire Police have personally issued Body-worn video cameras (BWV) to all of our frontline officers and staff and we have an expectation that recording is activated whenever coercive powers are used to include Stop Search. This must involve the whole of the encounter and applies to officers in plain clothes as well as uniform. Officers not recording the whole of the encounter will be subject to scrutiny as to why this was the case.

### **Lay Observers Scheme**

We operate a 'lay observers scheme' where we have recruited independent observers to accompany officers during operations and view Body Worn Video footage that specifically use stop and search powers in order that we can seek their views about how the powers were used and how the subjects were treated by officers. We are actively seeking to increase the number and diversity of our observers to ensure they reflect the community that we serve.

### **Publication of data**

We will publish Stop Search data on the force website each month and an annual stop and search report each May.

### **Review**

This policy will be reviewed on a yearly basis to ensure it remains current and in line with developing legislation.

## Appendix A

**Local Procedure for the use of “Without Suspicion” stop and search powers.**

**Section 60 of the Criminal Justice and Public Order Act 1994 & Section 11 of the Public Order Act 2023 create powers for police officers to conduct stop and searches without the individual searching officer having *reasonable grounds*.**

Officers considering a section 60 / section 11 authorisation should refer to the quick-reference guidance chart below. Please note the clear distinction between a Planned Event or Spontaneous Incidents.

Although Leicestershire Police formerly subscribed to the Best Use of Stop and Search Scheme (BUSSS), this scheme is no longer in existence and the conduct of searches has largely reverted to CODE A, PACE codes of practice.

**What has been retained from BUSSS?**

BUSSS specified the requirement for an ACC or above to authorise s.60 power in the event of **a pre-planned event**. This has been retained and extended to POPS Gold Commanders for s.11 Public Order Act 2023 authorities.

In both spontaneous and planned events BUSSS created a requirement that:

**Forces must communicate with the public in an area where a section 60 authorisation is to be put in place, in advance if practicable, and afterwards. They should also inform the public of the purpose and outcomes of each section 60 operation.**

This too is extended to s.11 POA 2023.

| Leicestershire s.60 / s.11 Quick Reference Guide |                                                                                                                                                                                                                                                                                                                                     |                                                                                   |
|--------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
|                                                  | Planned Event.                                                                                                                                                                                                                                                                                                                      | Spontaneous Incident.                                                             |
| <b>Authorising officer minimum rank</b>          | Relevant Gold Commander for public order event or Assistant Chief Constable for non-public order event                                                                                                                                                                                                                              | Revert to Code A – Inspector with Supt notified as soon as practicable afterwards |
| <b>“Reasonably held belief” threshold</b>        | Relevant Incidents <b>May</b> take place (was previously <b>WILL</b> take place)<br><br>Relevant Incidents are:<br><br>For s.60 CJPOA: Serious violence may take place; or: <ul style="list-style-type: none"> <li>• Serious violence has taken place;</li> <li>• A dangerous instrument or offensive weapon used in the</li> </ul> |                                                                                   |

|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|---------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                 | <p>incident is being carried and;</p> <ul style="list-style-type: none"> <li>It is expedient to give an authorisation to find it;</li> </ul> <p style="text-align: center;"><b>or</b></p> <ul style="list-style-type: none"> <li>that persons are carrying dangerous instruments or offensive weapons in any locality in his police area without good reason</li> </ul> <p>For S.11POA:</p> <p>a. Any of the following offences being committed in the officer's police area:</p> <ul style="list-style-type: none"> <li>S.137 Highways Act 1980 (Wilful obstruction)</li> <li>S.78 Police, Crime, Sentencing and Courts Act 2022 (public nuisance)</li> <li>S.1 POA 2023 – (Locking-on)</li> <li>S.3 POA 2023 – (Tunnelling)</li> <li>S.4 POA 2023 – (Being present in a tunnel)</li> <li>S.6 POA 2023 – (Obstruction of major transport works)</li> <li>S.7 POA 2023 – (Key National Infrastructure)</li> </ul> <p>Or</p> <p>b. That persons are carrying prohibited objects in any locality within the officer's police area.</p> |
| <b>Information required</b>     | <p>The authorisation must specify grounds, locality and duration. It must be in writing unless serious violence has already taken place and it is not practicable to give it in writing. If given orally, it must be recorded in writing as soon as practicable</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Initial maximum duration</b> | As per Code A - 24 hours                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Further Extensions</b>       | As per Code A - up to an additional 24 Hours                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Briefing / Debriefing</b>    | <p>Briefing must be recorded either in writing or on BWV if given verbally and must be marked as <i>evidential</i>.</p> <p>The briefing must contain:</p> <ul style="list-style-type: none"> <li>Relevant law and guidance</li> <li>The particular grounds in the authorisation</li> <li>All relevant intelligence and information</li> <li>The geographical area covered and any limitations</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

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|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                 | <ul style="list-style-type: none"> <li>• Relevant community impact information and assessment (including policing history of the area)</li> <li>• How debriefing and force learning will be conducted</li> <li>• <b>That the entirety of all searches must be recorded on BWV</b></li> </ul> <p>Debriefs must be held at the expiry of s.60 / s.11 search authorities.</p>                                                                        |                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Safeguarding children</b>    | <p>Stop and search is recognised as a traumatic event for many people who experience them. This is even more so in the case of children.</p> <p>In all stop searches of Children:</p> <ul style="list-style-type: none"> <li>• Searching officers must understand the impact of the search and seek to minimise trauma for the child; and</li> <li>• PPNs must be submitted to ensure oversight of any vulnerability issues identified</li> </ul> |                                                                                                                                                                                                                                                                                                                                                                    |
|                                 | <b>Planned Event.</b>                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Spontaneous Incident.</b>                                                                                                                                                                                                                                                                                                                                       |
| <b>Publication of authority</b> | <p>In advance and following the event, to include:</p> <ul style="list-style-type: none"> <li>• Local Authority</li> <li>• Local KINS</li> <li>• Force SIAG</li> <li>• Local IAG</li> <li>• Neighbourhood Link</li> <li>• X (force and NPA)</li> <li>• Facebook</li> </ul>                                                                                                                                                                        | <p>If practicable, at the time or in any event afterwards so that the public is kept informed of the purpose and success of the operation:</p> <ul style="list-style-type: none"> <li>• Local Authority</li> <li>• Local KINS</li> <li>• Force SIAG</li> <li>• Local IAG</li> <li>• Neighbourhood Link</li> <li>• X (force and NPA)</li> <li>• Facebook</li> </ul> |
| <b>Notification to</b>          | <p>ACC Ops<br/>Corp Comms<br/>LPD SLT<br/>SSD SLT<br/>Gina Lines (analyst)</p>                                                                                                                                                                                                                                                                                                                                                                    | <p>Authorising Inspector or Subsequent Superintendent should ensure that the following are notified as soon as practicable:</p> <p>Duty NPCC officer<br/>Corp Comms<br/>LPD SLT<br/>Gina Lines</p>                                                                                                                                                                 |

Further guidance on Section 60 can be found in the APP <https://www.app.college.police.uk/app-content/stop-and-search/legal/legal-basis/#section-60-of-the-criminal-justice-and-public-order-act-1994>