



Home Office

Stop & Search Action Team Interim Guidance



If you have any comments on this document, please send them to the SSAT at either of the following addresses...

John Harper
Stop and Search Action Team,
2nd Floor,
Allington Towers,
19 Allington Street,
London.
SW1E 5EB.

John.Harper@homeoffice.gsi.gov.uk

or,

Lia Suguimoto-Magor
Stop and Search Action Team,
Room 673,
Home Office,
50 Queen Anne's Gate,
London.
SW1H 9AT.

Lia.Suguimoto-Magor@homeoffice.gsi.gov.uk

Or, you can e-mail your comments to:

SSAT@homeoffice.gsi.gov.uk

Part I: Introduction

1.1 Stop and search is a high-profile and contentious area of police activity. It is a major cause of tension between black and minority ethnic communities and the police service, and it may have a wider effect on community relations. The Stephen Lawrence Inquiry Report highlighted the effect of stop and search on police community and race relations. Figures published under section 95 of the Criminal Justice Act 1991 have consistently shown that black and Asian people are significantly more likely to be stopped and searched than white people (this difference is known as 'disproportionality').

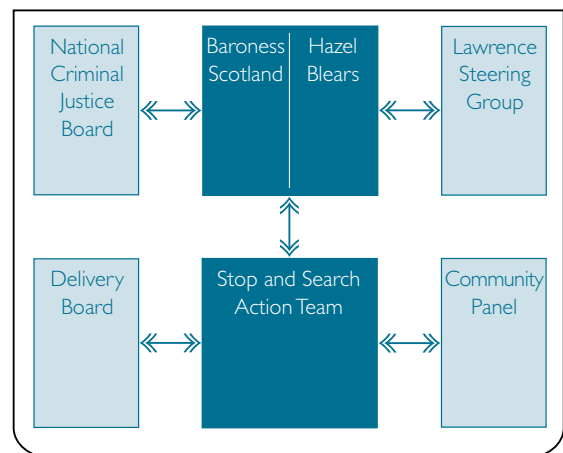
1.2 Two Home Office ministers are currently responsible for stop and search:

- > Hazel Blears, Minister of State for Crime Reduction, Policing and Community Safety; and
- > Baroness Scotland, Minister of State for the Criminal Justice System and Law Reform.

Both ministers believe that disproportionality is too high so they have commissioned further work to understand the causes of disproportionality, and to identify the best ways to reduce it.

1.3 As a result, we set up a **Stop and Search Action Team (SSAT)** to carry out this work. **SSAT** aims to make sure that the police force use the stop-and-search power fairly and as effectively as possible to prevent and detect crime. Specifically, **SSAT** will aim to increase the confidence that the black and minority ethnic (BME) community have in the way the police use this power, and where appropriate, reduce disproportionality. The **SSAT** delivery team includes members from the Police Leadership and Powers Unit, and our Terrorism and Protection Unit, as well as members from the cross-government Criminal Justice Race Unit. The **SSAT** also includes a researcher from the Research, Development and Statistics Directorate. The **SSAT** is developing a stop-and-search manual to help police forces, and it will use this interim guidance to help develop the manual, which the team will issue in December 2004.

1.4 Both Hazel Blears and Baroness Scotland (who will report progress to the main Lawrence Steering Group and National Criminal Justice Board) will oversee the work of **SSAT**. A delivery board will make sure that SSAT delivers against its work programme, as well as provide expert and professional advice. To benefit as much as possible from community involvement, there will also be a community panel made up entirely of independent members. The community panel will advise SSAT and the delivery board on the racial and community effects of the SSAT work programme, and as a scrutiny panel for the work of SSAT. The following chart shows these arrangements.



1.5 Ministers have decided that we will use the Police Performance and Assessment Framework (PPAF) to measure disproportionality within stop-and-search powers. Once the **SSAT** has introduced the stop-and-search manual, HM Inspector of Constabulary (HMIC) could then carry out a number of reviews on those police forces with particularly poor stop-and-search records (for example, a force that uses the power often but with no apparent improvement in crime reduction).

1.6 **SSAT** has designed our work programme to:

- > set minimum standards;
- > bring together good practice; and
- > develop a way of helping forces to increase community confidence.

The **SSAT** work programme includes the following three strands:

- > the stop-and-search manual;
- > practice-orientated package (hands-on good practice support); and
- > understanding the problem of disproportionality.

> Stop-and-search manual

In March 2004, we published 'Recording of Stops – Implementation Guide' in response to Recommendation 61 of the Stephen Lawrence Inquiry Report. The aim of this guide is to help the police service and police authorities to introduce the new requirement to record stops in the most effective and efficient way. **SSAT** will now combine nationally recorded stops with its wider work on stop and search.

In December 2004, **SSAT** will publish a stop-and-search manual, which will include recording stops. This manual will take account of all the available information from the **SSAT** work programme, and will aim to help forces tackle disproportionality. To support this process, we have developed this interim stop-and-search guidance. **We encourage forces to comment on this document so that we can include their comments in the manual.** We have arranged two stop-and-search conferences, for 15 July 2004 and November 2004. These conferences will give forces the opportunity to give us their feedback on this document, and to share their good practice. The Association of Chief Police Officers (ACPO) and the Association of Police Authorities (APA) support the development of a stop-and-search manual and the consultation on this interim guidance. As part of its work on the manual, **SSAT** will consider which areas covered in this guidance should be compulsory for forces, and which areas should be for guidance only.

The Police and Criminal Evidence Act (PACE) code A forms the statutory framework for the use of stop and search. All the guidance that **SSAT** produces is designed to support forces in meeting their statutory responsibilities.

We have aimed this interim guidance mainly at police managers, and it should be given to other personnel where appropriate. Centrex, the Central Police Training and Development Authority, have devised some notes for frontline officers and supervisors (see **annex A** and **annex B**).

> Practice-orientated package (hands on good practice support)

This will involve in-depth work with some key forces to support them in improving their practices, and it will follow a six-stage process.

- 1 Collect stop-and-search data at both force and basic command unit (BCU) level.
- 2 Carry out detailed analyses of the data and break them down into various parts, such as power for the search, ethnic background of those searched and the outcome.
- 3 Meet the chief officers of each force to discuss the planned seminar and related study.
- 4 Hold policy seminars with key stakeholders including ACPO ranks, police authority members and members of the local community.
- 5 Hold practitioner seminars (in other words, seminars for those officers who will be using the stop and search powers every day).
- 6 Develop and introduce a practical action plan.

> Understanding the problem of disproportionality

SSAT has developed a strategy to look at fairness in stop and search. This strategy will look at:

- > how officers use the intelligence they receive to decide who to stop and search;
- > where stop and search is targeted (in so-called 'hot spots') and whether this is fair; and
- > how police officers and police authorities can actively involve local communities in reaching an agreement about using stop and search, particularly tackling concerns about officers' behaviour.

The Research, Development and Statistics (RDS) Directorate will work with external contractors to develop this system. The **SSAT** will oversee this work programme, along with community stakeholders, for example representatives from minority ethnic communities.

We are also recruiting a consultant to identify and collect any developing good practice in how stops are recorded. These findings will be included in the stop-and-search manual, which will be issued in December this year.

Part 2: Understanding stop and search

Principles of stop and search

2.1 Our Research, Development and Statistics (RDS) Directorate ran a major programme of research into stop and search following the Stephen Lawrence Inquiry Report (Police Research Series Papers 127 – 132, 1999-2000). This research identified three factors that contributed to the legitimacy of stop and search, all of which support one another. These factors are as follows.

> Public trust and confidence

Stops and searches must be carried out fairly and with good reason. There are three major threats to public confidence:

- > a disproportionate (higher) rate of stops and searches of people from BME backgrounds;
- > the way that police officers handle the stop and search; and
- > officers not telling people properly why they have stopped and searched them.

> Legality

Stops and searches must follow the guidelines that regulate their practice. The issue of legality applies specifically to searches and is regulated by the Police and Criminal Evidence (PACE) Act 1984 code A. The main threats to the legality of stops and searches are:

- > police officers making searches without having the necessary reasonable grounds;
- > using generalisations and racial stereotypes as a basis for suspicion; and
- > not recording searches.

> Effectiveness

Stops and searches must be targeted against known and active offenders, not law-abiding members of the public. Threats to the effectiveness of searches include:

- > poor grounds for suspicion;
- > acting on inaccurate and out-of-date information or intelligence; and
- > emphasising quantity rather than quality (in other words, making many random stops and searches instead of fewer, targeted stops).

2.2 Legitimate stops and searches should not involve a trade-off between these factors in 2.1. (In other words, there would be no point in having effective stops and searches, targeting known offenders, if they were illegal stops.) Instead, the three factors should reinforce each other. For example, efforts to improve the effectiveness of stops and searches are likely to improve public confidence. Also, there is a link between the legality of searches and how effective they are in fighting against crime and being acceptable to the public.

Disproportionality

2.3 The level of disproportionality varies widely between police forces and we cannot yet explain why. For example, it might accurately reflect the pattern of how suspects behave in some areas, but not in others.

2.4 Disproportionality **could** be caused by some or all of the following factors.

Police factors

- > Different recording practices
- > Deliberately targeting people from ethnic minorities
- > Police attitudes and working knowledge
- > Accuracy of information on offenders
- > Calls for service (in other words, when frontline officers are asked to look out for specific suspect profiles)
- > Local crime priorities
- > Government crime priorities
- > Past focus on working-class crime
- > Legal framework

Wider factors

- > Use of public space
- > Likelihood to offend (for specific types of crime, such as burglary)
- > Size and location of minority ethnic community groups
- > Wider discrimination and disadvantage
- > Social inequality

Much of the work programme of SSAT focuses on issues surrounding disproportionality. We want to understand why individual forces use stop-and-search powers differently.

2.5 If disproportionality continues with corresponding low arrest rates and little evidence of crime being reduced or prevented, it is likely that some organisations will take legal action against the Chief Constable of a force, or individual officers, on the grounds of indirect discrimination. Individuals and organisations can bring legal action using the race relations legislation.

Part 3: Making searches

Officer training

3.1 Training and development support is essential to make sure that stop and search is effective. All officers need to be properly trained and equipped for their roles, whether they are supervisors, strategic managers or frontline officers ('on the beat'). Force managers should aim to improve officers' skills in handling stop-and-search situations, and to actively involve members of the community in that training.

3.2 PACE code A was revised in April 2003 and Centrex produced four training packages for stop and search to support this revision. These training packages are for:

- > probationer constables (those police officers who are still training);
- > substantive constables (those officers who have completed their training);
- > supervisors; and
- > strategic managers.

Annex C contains a summary of the training packages. We strongly recommend that forces use these packages where appropriate.

3.3 We will aim to identify what factors underpin the idea of 'street craft', and include them in the stop-and-search manual. 'Street craft' can be described as learned behaviour as a result of officers' experience of their powers and procedures, environmental and geographic factors, and the behaviour of individuals who they target for stop and search.

3.4 Please see **Annex D** for the specific training guidance in section 44 of the Terrorism Act 2000 (in the Home Office circular) on the use of stop-and-search powers.

3.5 There are a number of draft stop-and-search training packages that forces could use, including the following.

> Theatre Workshops – City of London Police

The City of London theatre workshops look at how stop and search affects members of the public. Using role play, officers pretend to be members of the public and they are questioned by actors who play frontline officers carrying out stops and searches.

These theatre workshops were created after consultation with the community liaison officer and local Black Police Association. These workshops have been sent to all frontline officers in the City of London force and have been very well received. For more details on the workshops contact Steve Dyer, City of London Police, on 020 7601 2240 or at stephen.dyer@city-of-london.pnn.uk

> Judgemental Tutor – Thames Valley Police

The Judgmental Tutor is an interactive training package that can be tailored to suit individual training needs. It concentrates on the process that police officers go through in making critical decisions, including who to stop and search. The system creates a simulated environment using realistic scenarios. The trainees are taken through these scenarios and are asked questions. They respond using key pads and their responses are recorded and saved. Based on their responses, the system can take the trainees through the possible outcomes of their actions and build up reference points for them to use when they meet similar situations in real life. The system records all of the responses so that supervisors can assess the trainees' performances.

> Mock Town – Dorset Constabulary

The Dorset Mock Town Scenario is an interactive training package that focuses on how officers interact with the public. The course covers all aspects of police operations. In the stop-and-search scenario, actors play roles that test officers' communication skills. The scenario concentrates on diversity issues and how officers interact with people from ethnic minorities.

For more details contact Bob Boulton, Dorset Police, on 01202 222 003 or at bob.boulton@dorset.pnn.police.uk

Using intelligence

3.6 Searches should be based on good-quality information and intelligence which is up to date, detailed and accurate, and that reflects the needs of frontline officers. Officers should pay particular attention to getting detailed and accurate descriptions of suspects wherever possible. Forces should make sure that their systems for providing officers with such information are effective. There should be an efficient process for collecting and storing information, and officers should receive and act on this information quickly and effectively. To use the powers of stop and search effectively, officers need to know:

- > where the current problems are in a high-crime area;
- > the exact nature of the problem;
- > when it happens; and
- > who the current active offenders are.

3.7 Information is vital to the police service. The National Intelligence Model relies totally on access to information to fill gaps in intelligence – known as the intelligence requirement. This information comes from a wide range of sources, all of which are necessary for the service to assess the true nature of policing needs.

3.8 Often, the best-quality information comes from police officers themselves, whether they are patrolling, carrying out investigations or in any other role that brings them into contact with any person, event or thing that may be of interest to future analysis.

3.9 An officer's ability to lawfully stop and search people is a valuable tool when the force records details of incidents. This ability is particularly powerful when such stops and searches are made as a result of briefing from the Tasking and Co-ordination Group (T&CG).

3.10 Records not only provide information to protect the public but also an audit trail of how such actions can be justified on behalf of the officer and the T&CG.

3.11 SSAT will look at issues surrounding intelligence through the hands-on good practice. The team will use the National Intelligence Model to examine in detail the following areas and how they might affect officers using stop and search fairly and objectively to deal with the chosen crime.

- > Collecting the intelligence gathered through officers' stop-and-search activities.
- > How the stop-and-search procedure is directed through the National Intelligence Model (NIM) and other operational tools.
- > Pass on intelligence through briefings.
- > Instructions and directions that are given by supervisors on how stop and search can be used against the chosen crime.
- > Supervision (both on the street and through examining submitted reports, questioning officers, debriefs and so on) of the activity of frontline officers.
- > How the information collected through stop and search is analysed.
- > How the analysed information is used to influence future police activities.
- > How the whole process is managed at a tactical and strategic level, through regular NIM meetings.

How searches are carried out

3.12 The way that officers carry out stops and searches has an important effect on community confidence. In 'Police Complaints Authority – Stop and Search Complaints' (Siobhan Harris and Dr David Best, published 23 March 2004), most complaints looked at in the study were about how the officers carried out the stop or the stop and search. Around a third of the complaints said that the officers were rude or behaved in an aggressive or threatening way. All officers must realise the damage that just one poorly done stop and search can do. If they are aggressive or rude, this will have a negative effect on the person stopped. This also came out strongly in the recent MORI report, 'Community Views and Experiences of the Recording of Police Stops'. This negative effect can extend to the person's family and community. Officers must aim to carry out stops and searches professionally, whatever the circumstances, and be aware of their personal responsibility in using the power.

How searches are recorded

3.13 PACE code A sets out officers' responsibility for recording searches. It is vital that officers are fully aware of the recording provisions in code A and the consequences if they do not follow them. If an officer breaks any of these provisions, they could face disciplinary action.

3.14 Each force currently has its own stop-and-search form. As part of its work programme, **SSAT** aims to develop a national template for recording stops and searches. This work will then be continued by the Police Forms Editorial Board and, in consultation with Alex Marshall, the Bureaucracy Czar. We will include a copy of this template in the stop-and-search manual. Work on identifying effective stop-and-search practice may consider a standardised force-wide database approach for recording and analysing stop-and-search data.

Part 4: Types of search power

4.1 A police officer can only use most stop-and-search powers if he or she has reasonable suspicion. PACE code A defines 'reasonable suspicion', in the context of stop and search, as follows.

“Reasonable grounds for suspicion depend on the circumstances in each case. There must be an objective basis for that suspicion based on facts, information, and/or intelligence which are relevant to the likelihood of finding an article of a certain kind or, in the case of searches under section 43 of the Terrorism Act 2000, to the likelihood that the person is a terrorist. Reasonable suspicion can never be supported on the basis of personal factors alone without reliable supporting intelligence or 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 more likely to be involved in criminal activity.

Reasonable suspicion can sometimes exist without specific information or intelligence and on the basis of some level of generalisation stemming from the behaviour of a person. For example, if an officer encounters someone on the street at night who is obviously trying to hide something, the officer may (depending on the other surrounding circumstances) base such suspicion on the fact that this kind of behaviour is often linked to stolen or prohibited articles being carried. Similarly, for the purposes of section 43 of the Terrorism Act 2000, suspicion that a person is a terrorist may arise from the person’s behaviour at or near a location which has been identified as a potential target for terrorists.

However, reasonable suspicion should normally be linked to accurate and current intelligence or information, such as information describing an article being carried, a suspected offender, or a person who has been seen carrying a type of article known to have been stolen recently from premises in the area. Searches based on accurate and current intelligence or information are more likely to be effective. Targeting searches in a particular area at specified crime problems increases their effectiveness and minimises inconvenience to law-abiding members of the public. It also helps in justifying the use of searches both to those who are searched and to the general public. This does not however prevent stop and search powers being exercised in other locations where such powers may be exercised and reasonable suspicion exists.”

It is vital that officers understand this definition and know how to apply it in practice, as this will decide whether or not this type of stop-and-search power was lawful. Officers should also understand that they must not search anyone, even with their permission, where no power to search exists.

Searches authorised under section 60 of the Criminal Justice and Public Order Act 1994

4.2 PACE code A sets out the requirements for a stop and search under section 60 of the Criminal Justice and Public Order Act 1994. These powers are separate from and in addition to the normal stop-and-search powers, and they can be an effective tool in fighting serious crime when used properly.

4.3 For a search to be authorised under section 60 of this Act, the authorising officer (at the rank of inspector or above) must reasonably believe that incidents involving serious violence may take place in their police area and that it would be necessary to authorise a search to prevent these incidents. These powers should not be used to avoid using the normal powers or dealing with routine crime problems. Authorisations must be justified on the basis that exercising the power is a proportionate and necessary response to achieve the purpose for which Parliament provided the power.

4.4 An authorisation under section 60 must be made for a particular reason, for example, intelligence or relevant information about:

- > a history of antagonism between the police and certain members of society;
- > violence between particular groups;
- > previous incidents of violence at, or connected with, particular events or locations;
- > a major increase in robberies at knife-point in a small area; or
- > reports that individuals are regularly carrying weapons in a particular area.

Authorising officers must be careful that the way they apply section 60 is lawful.

4.5 It is the authorising officer's (or nominated officer's) responsibility to hold formal briefings before an operation begins. Formal briefings should be the rule rather than the exception, but where this is not possible the authorising or nominated officer can hold an informal briefing. It is important to make sure that all officers taking part in the operation fully understand their role and responsibilities, and their power of arrest under relevant legislation (such as relating to offensive weapons).

4.6 During the briefing, officers should remember that when a power of search is exercised under a section 60 authority, the officer does not need to have reasonable grounds to suspect individuals of carrying offensive weapons. So, officers should make sure that they do not discriminate against anyone based on improper reasons or stereotyping particular groups when they exercise their powers. Officers also need to monitor their own personal responsibility in this respect. The authorising officer should, at the very least, give officers intelligence on suspected offenders. The authorising officer should also consider imposing conditions as to who should be stopped and searched, based on available intelligence.

4.7 Control And Direction (CAD) rooms should be available and have details of the authorisation (including briefings, maps and so on), and these rooms should contain a working knowledge of the operation. The authorising officer could also give officers maps that clearly show the boundaries within which the section 60 authority applies.

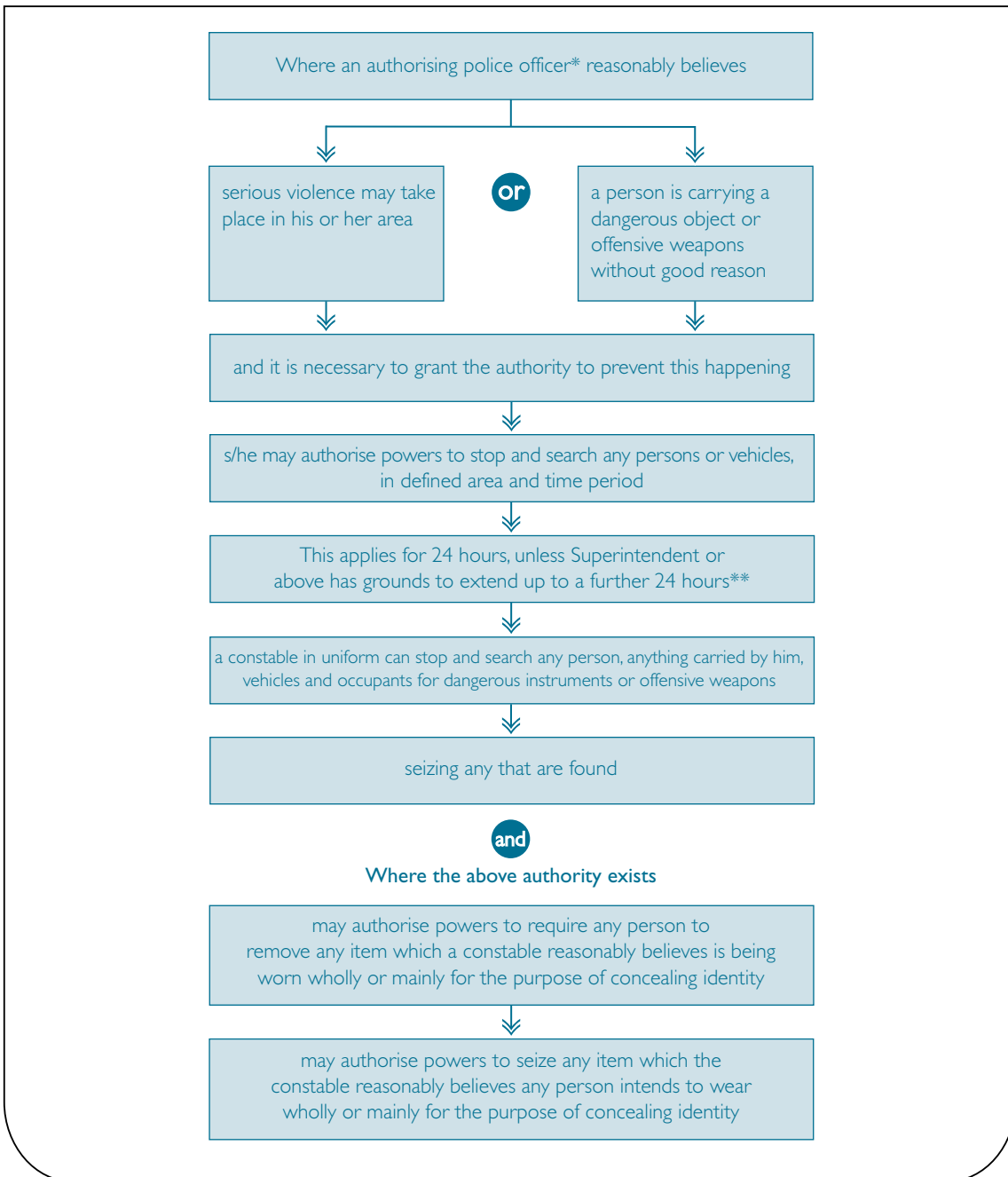
4.8 Debriefing is good practice. It is an opportunity to answer questions, pick up on any issues that may have arisen, and get feedback from officers involved in the operation. An authorising officer may sometimes decide that it is not necessary to have a formal debrief. Where a full debrief is necessary, it should be held as soon as possible after the operation has finished.

4.9 Using the stop-and-search power can cause concern among communities. It is good practice to tell community groups about section 60 authorisations to maintain community confidence and support. We recognise that a few cases may involve sensitive or confidential material that should not be shared.

4.10 Forces should develop a formal quality-assurance process for using section 60. This should include checking that all section 60 authorisations are being used appropriately, and making sure that written authorisations include all the necessary information.

Police power to stop or stop and search

Authorisation under section 60 Criminal Justice and Public Order Act 1994 (as amended)



*When an Inspector or Chief Inspector makes an authorisation under s.60 they must cause a Superintendent to be informed as soon as practicable.

** An extension may only be authorised where violence or the carrying of dangerous instruments or other offensive weapons has occurred or is suspected to have occurred and the continued use of the powers is considered necessary to prevent or deal with further such activity.

Searches authorised under section 44 of the Terrorism Act 2000

4.11 Authorisations made under section 44 of the Terrorism Act 2000 allow officers to stop and search vehicles and people within vehicles (section 44(1)), and pedestrians (section 44(2)). The authorisation will only be given if the person giving it (the authorising officer) considers it necessary to prevent acts of terrorism. The power allows an officer to search for articles that could be used for terrorism, whether or not there are grounds for suspecting that such articles are present (sections 45(1) and (2)).

4.12 Authorisations under section 44 must be signed by officers of Association of Chief Police Officers (ACPO) rank and include the time the authorisation was given, the time and date it runs out (which is no longer than 28 days after the date on which the authorisation is given), the area covered and the reasons for authorising the powers.

4.13 The Secretary of State is told about the authorisation as soon as possible by the police force. A minister will then consider the authorisation and decide whether to give confirmation. Authorisations are lawful for up to 48 hours without ministerial approval. However, if the authorisation is not confirmed within 48 hours, it will run out at the end of this period or at a time given by the minister. If the authorisation is confirmed, it will stay lawful up to the time and date given in it.

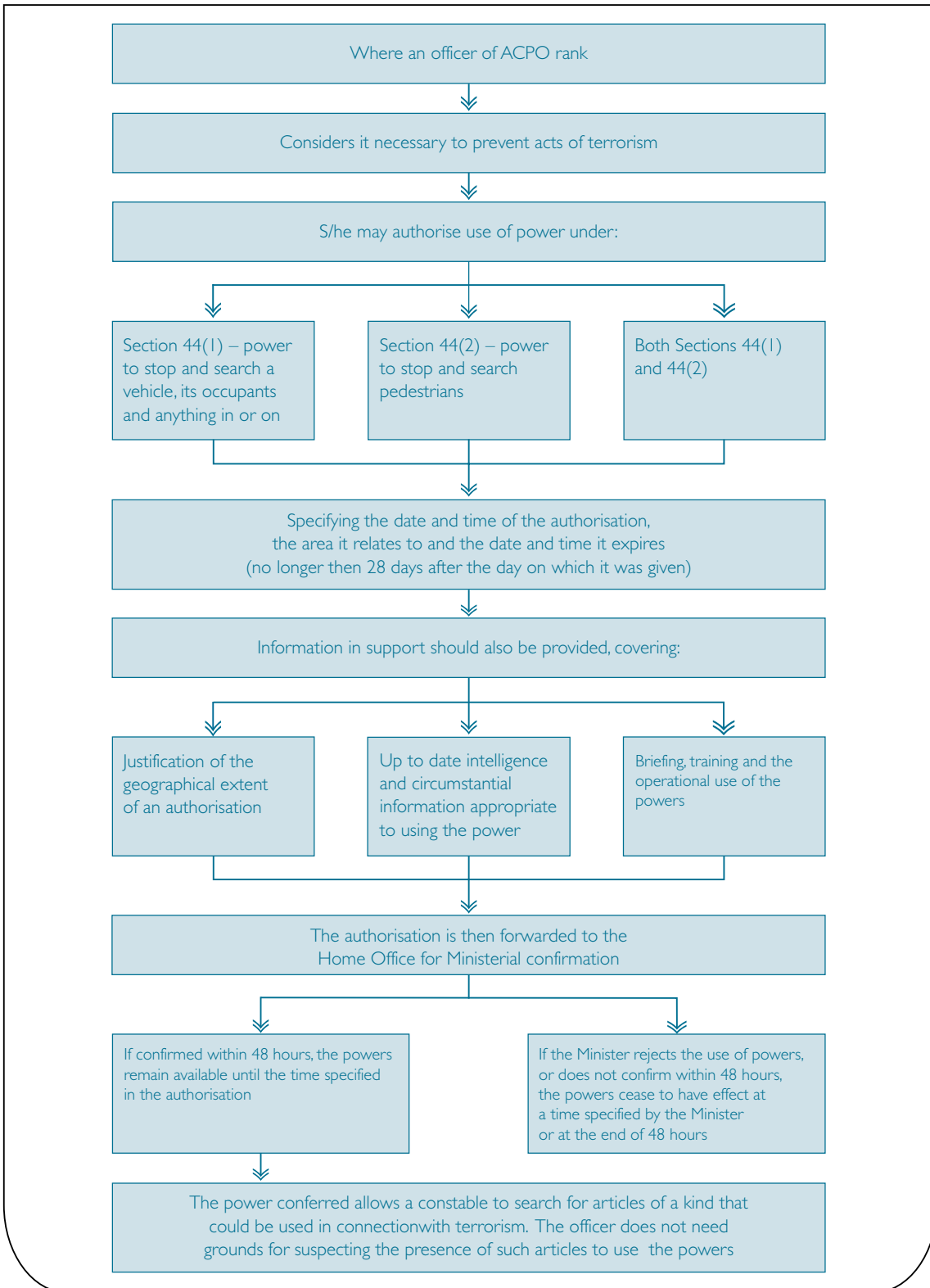
4.14 Liberty, the human rights organisation, brought judicial review proceedings against the Metropolitan Police and the Home Secretary about authorising, confirming and using the powers across the Metropolitan Police district. Although the use of the powers was held to be lawful, the fact that section 44 authorisations were actually involved in judicial review highlights the need to assess the process and make sure that all authorisations would stand up to similar scrutiny. A number of areas have been identified as needing particular attention, including:

- > using greater detail in describing reasons for authorising the use of the powers;
- > giving clear descriptions and justification of the geographical extent of powers; and
- > providing more information on how the powers and statistical information are used in operations.

4.15 The Home Office circular referred to in section 3.4 is meant to make sure that forces consider as wide a range of factors as possible when they make an application. The decision to issue an authorisation and the reasons for doing so rest with the authorising officer.

4.16 As stated in PACE code A, officers must not discriminate against ethnic-minority communities when they exercise these powers. There may be circumstances where it is appropriate for officers to take account of a person's ethnic background when they decide who to stop in response to a specific terrorist threat (for example, some international terrorist groups are associated with particular ethnic groups, such as Muslims).

Powers to stop and search under section 44 of the Terrorism Act 2000



Schengen Information System

4.17 The Schengen Information System (SIS) is a European data system that gives police officers access to alerts issued by other member states of the European Union about people, vehicles and objects, such as firearms. Also, it gives officers access to a much wider range of information from across Europe. The system holds details on a number of types of people, including people or their vehicles (or both) involved in serious crime or threats to state security who should be checked or whose whereabouts should be reported (Article 99 Alert).

4.18 Once the Schengen Information System is in place in the UK, any officer checking a person or vehicle on Police National Computer will also be checking the SIS and may receive an alert from it. It is important that officers understand that:

- > having an Article 99 Alert does not give the officer any more powers of stop and search; and
- > officers cannot use the Article 99 Alert as grounds for a search because the person stopped should not be told about the alert.

Part 5: Management and supervision

Strategic management

5.1 It is vital that forces use, and are seen to use, stops and searches to respond to specific crime problems. This will mean that stops and searches tackle crime more effectively and inconvenience law-abiding members of the public as little as possible. In areas with large ethnic-minority populations, this will make sure that stops and searches are used as much as necessary to tackle local crime problems, but will not contribute unnecessarily to disproportionality. Effective targeting of stops and searches should also give officers genuine reasons for stopping or searching people – an important aspect of public confidence. We should avoid performance indicators on the **number** of stops and searches carried out because of the possible negative effect on disproportionality. See annex E for the stop-and-search process from Assistant Chief Constable (ACC) to constable.

5.2 The practice-orientated packages mentioned in section 1.5 will develop models of effective practice for strategic managers and supervisors. The supervisors will help to identify patterns of discrimination and racial stereotyping. We will include these models in the manual. We will also recommend, in that manual, appropriate IT packages to help with the process.

Frontline supervision

5.3 The role of the supervisor is central to making sure that officers follow stop-and-search procedure to a successful conclusion. The supervisor has a fundamental leadership role in maintaining the standards of the process. Effective supervision should mean that stop and search is legal and effective. Supervisors should be fully aware of their responsibilities under code A. The supervisor's role has two main strands:

- > to check the forms have been filled in fully and accurately (in particular that the ethnic background has been filled in); and
- > monitor their team by analysing data from police stops.

Checking the forms and the data does not replace direct and active supervision using traditional methods, such as telling officers about their personal and recording responsibilities in using the power.

We are currently developing a supervisors' toolkit and it will form part of the stop-and-search manual that we will issue in December 2004.

Analysis

5.4 The analysis should identify officers or teams who appear to search unusually (disproportionately) high numbers of people from ethnic-minority groups compared with their colleagues, the local population and other teams. Analysis should look at high or low arrest rates arising from stop and search. Forces would also need to follow up on high numbers of complaints following on from stop and search. Although supervisors will be responsible for much of the analysis, forces should develop a structure for effectively analysing search data so that supervisors can meet their statutory responsibilities under code A. This is likely to involve some central monitoring to make sure that individual districts perform well.

Part 6: Monitoring and public accountability

Role of police authorities

6.1 There are four reasons why police authorities should closely monitor how their forces use stop-and-search powers.

> Making sure that policing services are efficient and effective

The fundamental statutory duty of every police authority is to provide an efficient and effective police service. Trust, confidence and satisfaction in local policing is central to policing by co-operation and to delivering efficient and effective policing. Each police authority will want to make sure that all its communities have that trust, confidence and satisfaction, so that it can meet its statutory duty.

> Race Relations (Amendment) Act 2000

Under this Act, every police authority has a duty to:

- > get rid of unlawful racial discrimination;
- > promote equal opportunities; and
- > promote good race relations between the police and people of different racial groups.

The authority must be satisfied that the force is meeting these same duties under the Act. So, the authorities need to monitor police policies and practices (such as stop and search) and, with the chief officer, take immediate steps to tackle any unjustified discrimination. The police authority should encourage forces to involve the public in this work.

> Lawrence Report recommendations

Recommendation 62 says that records of stops, and stops and searches, should be “monitored and analysed by police authorities..... and the information and analysis published”.

Recommendation 63 says that “police authorities should... 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”.

> PACE Code of Practice A — Exercise by Police Officers of Statutory Powers of Stop and Search

PACE code A says that police authorities and forces must keep full statistical records of stops and searches. These records will be available for representatives of the community to check and they will help to explain how the powers are used at a local level.

What should police authorities do?

6.2 Research has shown that stop and search is most effective when the police service uses it in a focused and highly intelligence-led way. The way officers carry out stop and search is also important – people expect to be treated fairly and with respect and to be given a valid reason for being searched. So, police authorities will want to make sure that they tackle both these elements when they assess how the force is using stop-and-search powers in their area.

6.3 All authorities should have effective arrangements in place to monitor how the force uses stop and search. In particular, the authorities will want to consider:

- > how, and at what level, they can most effectively monitor stop-and-search issues, including what should be dealt with by the full authority and what issues can best be tackled by more detailed work at committee, panel or working-group level; and
- > how stop-and-search policies affect black and minority ethnic (BME) communities; and
- > how they are going to involve local communities in this work.

In particular, the force’s policy on stops and searches should be seen, agreed and approved by the authority. In turn, the authorities should put appropriate arrangements in place for all officers to receive training on stop and search.

6.4 Police authorities also have an important role to play in telling local people about stop and search and their entitlement to an immediate record. (For more information, see ‘Stop and Search: Know Your Rights – An APA Guide for Police Authorities on Publicity and Raising Awareness’ which you will find at www.apa.police.uk.) This is in line with the authorities’ responsibilities under Recommendation 63 of the Stephen Lawrence Inquiry Report (see section 6.1).

Police authorities should also hold discussions with their communities about how the police use stop and search and how it affects the community’s relationship with the police.

6.5 Finally, police authorities should assess and monitor how stop and search affects the trust and confidence that the community has in the police, particularly among ethnic-minority communities and younger people. Under the PACE code A, authorities and forces should involve local communities in monitoring stop-and-search data.

6.6 The table below shows a checklist of eight areas for police authorities to discuss with their forces and local communities. For further advice and guidance, see ‘Asking the Right Questions — An APA Guide for Police Authorities’, which has full guidance on monitoring and assessing stop and search, and explanatory notes.

Checklist for police authorities

Issue	Important questions for authorities
Local stop-and-search policy	<ul style="list-style-type: none"> > Has the force policy on stop and search been agreed or approved by the police authority and have they put recording arrangements in place?
Force and authority race equality scheme (RES)	<ul style="list-style-type: none"> > Is stop and search a high priority within the authority’s and force’s RES? If not, why is this? > How do the authority and force plan to involve communities, including those most affected by stop and search, in assessing the effects of stop-and-search policies?
Training	<ul style="list-style-type: none"> > Is the authority satisfied that the force has put in place appropriate arrangements for training officers?
Supervision	<ul style="list-style-type: none"> > Is the authority satisfied that the force has arrangements in place to supervise officers using stop and search and are they monitored at all levels?

Issue	Important questions for authorities
Force monitoring and data collection	<ul style="list-style-type: none"> > Is the authority satisfied that the force has systems in place for collecting, analysing and monitoring data on stop and search for individual officers?
Authority monitoring and scrutiny	<ul style="list-style-type: none"> > Does the authority have effective arrangements in place for monitoring stop and search?
Involving communities	<ul style="list-style-type: none"> > How is the authority going to involve local communities in monitoring stop and search data? > How will this be built into the authority's wider consultation and community-involvement strategy? > What will the authority do with the feedback it receives from communities?
Raising awareness	<ul style="list-style-type: none"> > What is the authority doing on a day-to-day basis to raise communities' awareness of their rights when they are stopped and searched? > Is the authority using the Association of Police Authorities publicity material?

Consultation and community involvement

6.7 Previous Home Office research ('Managing the Use and Impact of Searches: A review of Force Interventions' – Bland, Miller and Quinton. Police Research Series 132) has highlighted the importance of community consultation and involvement for public trust and confidence in stop and search. Code A also places a responsibility on forces, in consultation with police authorities, to arrange community representatives to monitor stop-and-search records, and to explain how the powers are used at local level.

6.8 There should generally be a clear reason for involving the community, but the community's involvement and permission is important in itself and should be encouraged where possible. Community involvement can be useful in raising community concerns and passing information to local communities. This 'partnership' approach also gives us the opportunity to tackle local people's specific concerns. The following are some specific areas that forces could look into.

- > Giving explanations for disproportionality.
- > Developing effective consultation with the local community about police operations through the independent advisory groups.
- > Developing channels for public feedback and encouraging complaints from the public (as well as confidence in the complaints system itself).

- > Community members being actively involved at either grass-roots or strategic level to develop ideas and to question police practice (such as scrutinising operations or developing policies).
- > Running joint projects with the public with an agreed and shared agenda.

6.9 We recommend that you read the Home Office publication, 'Recording of Stops – Implementation Guide'. This assessment of how recording stops was gradually introduced highlighted good practice in community consultation in the Metropolitan Police Authority and Metropolitan Police Service.

Dealing with conduct and complaints

6.10 Under the Police Reform Act 2002, there are procedures for handling complaints against the police. These will include complaints about the behaviour of police officers and staff involved in stop and search. In most cases, the police will deal with these complaints through their own internal professional-standards processes. However, in some cases, the Independent Police Complaints Commission (IPCC) may be directly involved by using its own investigators or by directing police investigators. The IPCC will also govern the framework within which such complaints are handled by issuing guidance and so on. The IPCC may also choose to make recommendations on stop-and-search policy based on its experience and monitoring of the complaints and conduct processes. You should also note that breaking the terms of PACE code A is a disciplinary matter whether or not a complaint has been made by a member of the public.

Measurement through PPAF

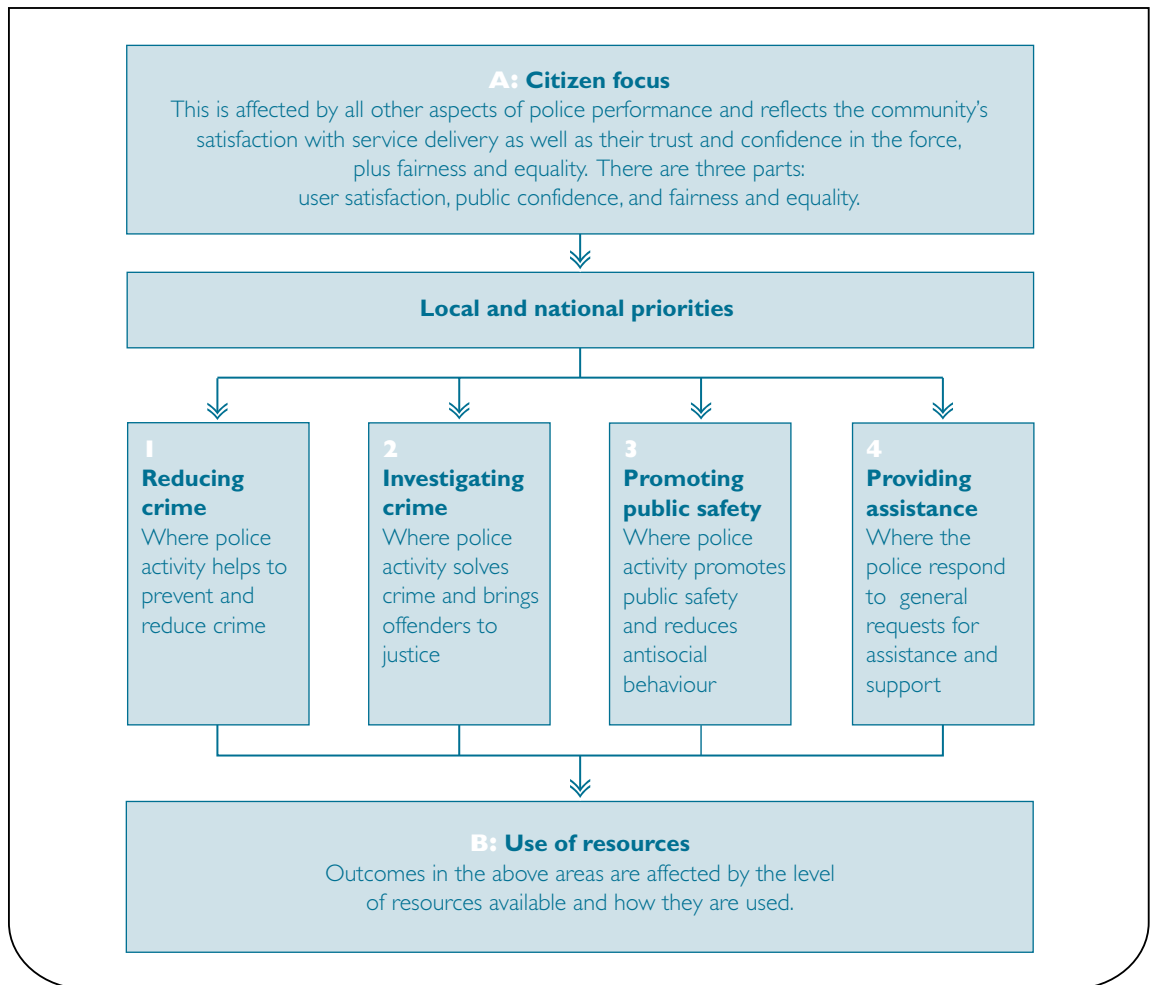
Background

6.11 The Policing Performance Assessment Framework (PPAF) is a joint initiative between us at the Home Office, the Association of Chief Police Officers and the Association of Police Authorities. The PPAF was set up to improve the police service's performance by providing:

- > full coverage of the complicated nature of policing in a simple, understandable way;
- > a balanced and fair structure for performance assessment agreed by the three key stakeholders (us, the Association of Chief Police Officers and the Association of Police Authorities); and
- > information that can help to deliver real improvements in policing.

6.12 The PPAF structure is overleaf.

6.13 When the data for 2004/2005 is available, we will publish the PPAF performance assessments to improve the availability to the public of information about police performance. PPAF will help effective management of the police service both centrally and locally. In assessing performance, the PPAF measures will be supported by the professional judgement of HM Inspector of Constabulary (HMIC). From 2004/2005, PPAF will form the basis of HMIC's assessment of forces and basic command units (BCUs).



Stop-and-search measures in PPAF

6.14 The PPAF stop-and-search measure will be one of a set that we will use to assess the fairness and equality of policing services. These measures come under the 'Citizen focus' part of the framework. From April 2004, PPAF will report the percentage of PACE stops or stops and searches that lead to arrest, by ethnic background. We will report this indicator at force level every three months. PPAF will collect the data for all each of the 16+1 ethnic groups. The resulting information will compare arrest rates for white and ethnic-minority groups. For example:

Force X


- 12.5% of stops or stops and searches of white people lead to arrest
- 14% of stops or stops and searches of ethnic-minority people lead to arrest

6.15 Forces will continue to report the number of stops and stops and searches they make. We will then examine this information to help us understand any differences in the arrest rates.

6.16 We will look at developing a way of measuring disproportionality in the PPAF. We also plan to look at how we can develop the arrest-rates indicator to look at any differences in what happens after arrest. Measuring what happens after an arrest will also make sure that there is no incentive to drive up the arrest-rates indicator by increasing arrests that do not lead to any further action.

6.17 PPAF will be of major importance in judging how well forces are using the power of stop and search.

Annexes

- Annex A** – Notes for frontline officers
 - Annex B** – Notes for supervisors
 - Annex C** – Training packages
 - Annex D** – Home Office circular: Section 44 of the Prevention of Terrorism Act 2000
 - Annex E** – Chart showing the stop-and-search process from ACC to constable
- 
- A blurred background image showing a police officer in a high-visibility vest, likely in a public area. The officer is wearing a dark uniform with a bright yellow and green reflective vest. The background is out of focus, showing other people and what appears to be an outdoor setting.

Annex A: Stop and search (for constables)

Carrying out the search

To carry out any search you **must** give the person you want to search, or the person in charge of the vehicle you want to search, the following information.

- > Your name and the name of the police station to which you are attached.
- > Your warrant card if you are in plain clothes.
- > The legal search power you are going to use.
- > The fact that the person is entitled to a copy of the record.
- > A clear explanation of why you want to make the search in terms of what you are looking for.
- > A clear explanation of your grounds for suspecting that the person possesses the object you are looking for, or the nature of the power and the fact that you have the authorisation.
- > If **for any reason** the person does not appear to understand what you are saying, or if you have any doubt about their ability to understand English, you must take reasonable steps to bring the information to their attention.

After the search

When you have completed the search, you must make a record of it on the appropriate form and give a copy of this form **immediately** to the person searched. If you do not make a record when you actually make the search, you must tell the person that they are entitled to a copy of the record and which police station they should apply to for a copy. The search record **must** include:

- > the name of the person being searched (if they refuse to give you their name you must record their description);
- > the person's ethnic background (if they refuse to give you their ethnic background you must give a description);
- > the registration number of any vehicle searched;

- > your grounds for the search (authorisation) and its outcome;
- > the date, time and place of the stop, and the date, time and place of the search if this is different;
- > a note of any injury to the person or damage to property; and
- > the identities of the officers involved.

You should also consider the following.

- > Most search powers (including Section 1 PACE searches) need an explanation for suspecting the person concerned, such as their behaviour and any other circumstances.
- > If you stop a person to search them but you do not actually perform the search, you must still fill in a search record.
- > If you search an unattended vehicle, you must leave a notice in or on it that tells the owner a search was carried out, how they can claim compensation if the vehicle was damaged in the search, and the name of the police station where they can get a copy of the record.
- > **Section 60** powers do not need reasonable suspicion. The authorisation to use section 60 powers must come from an officer at the rank of inspector or above. It must be in writing and give the location it applies to and how long it lasts for. The power allows officers to stop a pedestrian or a vehicle where the authority applies.
- > **Terrorism Act 2000** authorises the stop and search of any pedestrians (44(2)) or vehicles and their passengers (44(1)) for articles that could be used for terrorism in the area that the authority applies. It also allows you to ask a person to remove their headgear and footwear in public. You do not have to be in uniform to exercise this power or have any form of authorisation if you have reasonable suspicion, but you must be the same sex as the person you are searching.

Annex B: Stop and search (for supervisors)

As an effective supervisor you must know your own powers as well as supervising how your staff use their powers. **PACE code A** contains the following requirements to the way in which you work.

- > A statement of fundamental principles.
 - > The fact that a person **cannot** be searched (even with their permission) where no power to search exists (in other words, no voluntary searches).
 - > The fact that information on the records should include, among other things, the 'self-defined ethnic background' of the person stopped (in other words, the ethnic background the person says they have) and the legal power the officers used.
 - > Greater guidance on what is reasonable suspicion and where a search can be carried out.
 - > A new section on monitoring and supervising stops and searches. This will place a duty on the supervisor to monitor how stops and searches are used and to identify inappropriate behaviour by officers. You should take immediate action against bad practice.
- A supervisor should:**
- > understand the requirements of stops and searches themselves;
 - > emphasise to officers that they need to make records;
 - > check all forms to make sure they follow PACE – if records or searches are inadequate, it is important to take immediate action to correct this;
 - > encourage efficient and targeted searches based on up-to-date intelligence;
 - > make sure that intelligence is passed to all patrol officers; and
 - > focus on procedures where officers disproportionately stop or search people from ethnic-minority communities.

Annex C: Stop and search training package (for constables)

The package is made up of initial reading material, lesson plans and training guidance for classroom sessions to run after the constable has done the initial reading.

The initial reading material contains:

- > past and social context and wider issues relating to the use of stops and searches;
 - > legislation relating to stops and searches; and
 - > 'reasonable grounds' as defined by PACE and relevant codes of practice.
- The training package is made up of: the following.
- > **Issues surrounding stops and searches**
 - PowerPoint presentations and guidance notes covering legislation and history, the Human Rights Act, the Race Relations (Amendment) Act and changes to PACE code A.
 - > **Testing your knowledge**
 - > **Applying reasonable grounds to suspect**
 - Video and trainer guidance allowing students to explain legislation for stops and searches, identify and apply (in a range of settings) the definition of reasonable grounds to suspect, and explain how generalisations and stereotypes can affect stop-and-search powers.
 - > **Stop and search in the community**
 - Optional training method, either to involve the community or not to involve the community. Both methods are tailored to allow students to identify, and apply in a range of settings, the definition of reasonable suspicion. Students also have to explain how effective stops and searches are in reducing crime, and explain the effect of generalisations and stereotyping on the community.

Annex C: Stop and search training package (for supervisors)

This package is aimed at sergeants and inspectors. It is made up of initial reading material and a copy of PACE and associated codes of practice, lesson plans, trainer guidance for three classroom sessions and the necessary resource material.

The initial reading material contains the following.

- > Revision of the constable training package
 - Legislation and history, the Human Rights Act, the Race Relations (Amendment) Act and wider issues relating to the use of stops and searches.
- > An officer's legal and procedural responsibilities when using or supervising the stop and search.
- > Powers under section 60 of the Criminal Justice and Public Order Act 1994.

The training package is made up of the following.

- > **Revision of the initial reading material and changes to PACE code A**
 - PowerPoint presentations and guidance notes covering legislation and history, the Human Rights Act, the Race Relation (Amendment) Act, definitions and information on institutional racism and disproportionality.
- > **Briefing stakeholders**
 - Interactive session to develop supervisors' ability to use a range of information to plan and brief an operation using stops and searches. Also, they need to relate police intelligence to community concerns, be able to explain an officer's legal and procedural responsibilities, and identify the benefits of local recording and intelligence information.

> Supervising officers using stop and search

- Part 1 – Letter of complaint – look at what further information is needed and where to get it before planning any action.
- Part 2 – Analysing information – analysing data to accurately identify issues that need to be tackled.
- Part 3 – Taking action – resolving the issues raised in part 2.

Annex C: Stop and search training package (for strategic managers)

The package involves input from the community and guidance on their role.

This module has the following aims.

- > To look at how stops and searches improve community and race relations, reduce crime and encourage partnerships.
- > To set up systems for recording and analysing data relating to the fair use of stops and searches within the community, and systems for analysing the results.
- > To set up systems for collecting a wide range of community opinions and for passing on the outcome of these activities to the community.
- > To introduce ACPO guidance on how stops and searches are used in terms of the Human Rights Act, the Race Relations (Amendment) Act, community involvement, the police authority's role, the chief officer's responsibilities and those of their command team, the force stop-and-search portfolio holder, and the BCU commander's responsibilities and those of their management team.

Annex D: Home Office circular: Section 44 of the Prevention of Terrorism Act 2000

Plain English Campaign's Crystal mark does not apply to this annex

HOME OFFICE CIRCULAR 38/2004

HOC 38/2004	DATE
This Circular is about: Authorisations of Stop and Search Powers under Section 44 of the Terrorism Act	
From: Terrorism and Protection Unit	Expiry Date: None
Effective From DATE 2004	
For general information about this circular contact: Incident Response Team Terrorism and Protection Unit ☎ 0207 273 2351	This Circular is addressed to: Chief Officers of Police

* For enquiries about circulars on other subjects please telephone the Home Office Publications Unit on 020 7-273 3072 who will refer your request as necessary to the policy unit responsible. Please quote, where possible, the number and year of the circular required.

Introduction

In October 2003, Liberty brought Judicial Review proceedings against the Metropolitan Police and the Home Secretary concerning the authorisation, confirmation and use of section 44 powers across the Metropolitan Police Area. Although the initial findings were all in favour of the defendants, the fact that section 44 authorisations were subject to judicial review highlighted the need to evaluate the process and ensure that all authorisations would stand up to similar scrutiny. A number of areas have been identified as requiring particular attention. These include:

- Detail of description of reasons for authorising use of the powers;
- Descriptions and justification of the geographical extent of powers; and
- Provision of information on the operational use of the powers and statistical returns.

The purpose of this circular is to provide guidance on issues to be considered for standard section 44 authorisations with the purpose of ensuring forces consider as wide a range of factors as possible when making an application. The decision to issue an authorisation and the reasons for doing so remain at the discretion of the authorising officer. More general guidance is being issued separately by the Stop and Search Action Team (SSAT). This will include advice on issues which apply to all stop and search powers.

Summary of Section 44 Provisions

Authorisations made under section 44 of the Terrorism Act 2000 allow officers to stop and search vehicles and persons within vehicles (section 44(1)), and pedestrians (section 44(2)). The authorisation may be given only if the authorising officer considers it expedient for the purposes of preventing acts of terrorism. The power conferred allows an officer to search for articles of a kind which could be used in connection with terrorism, whether or not there are grounds for suspecting the presence of such articles (sections 45(1) and (2)).

Authorisations under section 44 must be given by officers of ACPO rank and include the time the authorisation was given, the time and date of expiry (no longer than 28 days from the date on which the authorisation is given), the area covered and the reasons for authorising the powers.

The Secretary of State is informed of the authorisation as soon as is practicable. Ministers then consider the authorisation and decide whether to give confirmation. Authorisations can remain lawful for up to 48 hours without Ministerial approval. If the authorisation is not confirmed within the 48 hours it ceases to have effect at the end of the period or at a time specified by the Minister. If confirmed, the authorisation remains lawful until the point of expiry identified therein.

The form attached at Annex A should be used for all future authorisations

GUIDANCE

Start Times of Authorisations.

Authorisations begin at the point they are signed, or given orally by the authorising officer. The authorisation, or written copy of an oral authorisation should state the time at which it was given by the authorising officer **and no other time.**

In the case of renewals, there is nothing to prevent an authorisation being given before the expiry of the previous one if this is more practicable. The authorisation would run for a maximum of 28 days from the time of renewal, not the time of expiry of the previous authorisation

Expiry Time of Authorisations

Section 46(2) of TACT states that the time and date at which an authorisation ends must not occur after the end of the period of 28 days beginning with the day on which the authorisation is given. Solely for the purpose of calculating a 28 day period, the day on which an authorisation is given is deemed to constitute a full day, regardless of the time it is authorised. An authorisation must therefore end no later than 23.59hrs on the 28th day.

For example: an authorisation given at 09.00hrs on 01/01/04 must end no later than 23.59hrs on 28/01/04. It cannot run until 09.00hrs on 29/01/04.

If an authorisation is for less than 28 days, the authorising officer can nominate any expiry time.

Geographic Extent of an Authorisation

If the force is using the powers in a designated area, this should be clearly defined. Examples of acceptable definitions include:

- an area within a specified radius of a particular site (eg named airport and the area within a 1 mile radius);
- a divisional area;
- the area within an identifiable boundary (eg an area bordered by named roads.)
- a specific site (eg the weighbridge at Scotch Corner)

The above are examples and other definitions are perfectly acceptable as long as they provide a clear idea of the geographical extent of the powers. A clear justification for the extent of any radius around the site is required.

If the authorising officer is applying for section 44 powers across the whole force area, then it is a matter of simply stating this. However, sufficient justification is required for using the powers so widely (see below).

Information in Support of an Authorisation

Particular attention should be paid to providing Ministers with a detailed account of the justification for authorising the powers, and information on their prospective use. This will assist the decision to confirm. Although the background to each authorisation will be dependent on circumstances, the principles that should underpin an authorisation remain the same. In essence these are:

- Intelligence
- Heightened terrorist threat
- Target / Symbolic location

The trigger factors for the authorisation will again depend on circumstances, but might include a move to more specific intelligence or a particular event taking place at a symbolic location. Importantly the authorising officer should be clear how the use of section 44 powers will disrupt, deter or detect terrorist action.

There are a number of issues which it would be helpful to consider and address in this section.

For ease of reference, these have been divided under 5 headings:

- (i) Ongoing assessment of the terrorist threat;
- (ii) New information and consideration of circumstances over the period of the authorisation;
- (iii) Description of and reasons for geographical extent of powers;
- (iv) Details of briefing and training provided to officers using the powers, and review of security requirements;
- (v) Practical implementation of powers.

(i) Ongoing general assessment of the terrorist threat

Threat assessments from International Terrorism and Dissident Irish Republican terrorism are provided by JTAC. Assessments of the threat to various aspects of the UK infrastructure (eg aviation, transport, military establishments) are also available.

As well as including details of the ongoing threat assessments, it is useful to provide some context as to how the details within that assessment that have influenced the decision to authorise section 44 powers (eg reiterated threat from international terrorists to UK interests)

Although a high state of alert may seem enough in itself to justify authorisation of powers, it is important to set out in detail the relation between the threat assessment and the decision to authorise. This will show that the authorising officer has fully considered the relevance of an assessment to the authorisation and that the details were available to the Minister when asked to confirm.

(ii) New Information and circumstances over the period of the authorisation

Information relating to recent events that the authorising force feel is relevant to their application, but has not been included in official threat assessments should also be considered.

This could include, for example:

- intelligence that terrorist activity may have increased within the area or with relevance to the area;
- Pronouncements by terrorist organisations that particular interests are targeted;
- any recent or planned arrests, police action or circumstances which highlight terrorist activity within the area or with relevance to the area.;
- any current situations within the area which there is evidence to suggest could be exploited for terrorist purposes;
- any officially recognised advice (eg ACPO Advisory Group Message).

In all cases officers should show how the use of section 44 powers are an appropriate response to such situations.

Authorising officers should also consider under this section the type of operations that the powers will be supporting, for example:

- pre-planned intelligence gathering operations;
- protective security operations (eg those surrounding political party conferences, visits of VIPs);
- ongoing anti-terrorist operations around sensitive areas or sites.

These examples are not exhaustive and the authorisation of powers in other situations where they are required for the prevention of terrorism is at the authorising officer's discretion.

(iii) Reasons for Geographical Extent of an Authorisation

As well as identifying the geographical extent of the authorisation, the authorising officer should also outline the reasons why powers are required in a particular area. Regularly used examples include:

- Intelligence relating to the particular region/area
- Vulnerable sites (eg airports, military bases etc) - To protect the site itself, to prevent terrorist reconnaissance, to patrol sites from which an attack might be launched.
- Transport networks — to protect transport infrastructure, to disrupt terrorist movement along known routes, to gather intelligence on terrorist movements etc
- Events — to provide protective security at and around a venue (eg party conferences,)
- Proliferation of targets within the force area
- Details of operational requirements which dictate that the powers are necessary in the nominated area.

Again, these are examples and reasons for authorising section 44 powers in a particular area lie with the authorising officer.

Powers should only be authorised where they are absolutely necessary to support a force's anti-terrorism operations.

Special attention should be given to whether the powers are required across an entire force or whether a designated area, or indeed a number of designated areas, can be identified. Where powers are authorised force wide, the authorising

officer should explain the reasons in detail for rejecting the option of a designated area and applying the powers more extensively.

(iv) Briefing and Training

The judgement arising from Liberty's Judicial Review proceedings recommended that the Metropolitan Police review their training and briefing in respect of section 44 powers. In light of this, all authorising officers should give a brief outline of how officers involved in the use of the powers are instructed in the parameters of the legislation. The training should address diversity issues and it should be clear how these issues are communicated to officers. This information may be static but should be included as routine and updated as necessary.

Where forces provide written information to officers on the extent of section 44 powers and their proper use, this information should, where practical, be included as an annex to the authorisation. If for any reason it is not practical to do so (eg, the information is too extensive or part of a presentation which cannot be printed, such as a slide presentation), an outline as described above should be provided.

Forces should show how they tailor training for different officers engaged in the use of section 44 powers. For example, authorisations that cover designated areas and specific anti-terrorist operations may involve the deployment of officers experienced in the use of terrorism legislation. In contrast, authorisations that cover larger areas will make the powers available to officers who may not be involved in day to day anti-terrorist work. This should be reflected in the background information supporting the authorisation.

Although section 44 powers do not require reasonable suspicion, officers should expect to explain the use of the powers and why they are being used. In pre-planned operations it may also be useful to provide information to the public in a leaflet.

(v) Operational use of powers

ACPO TAM has advised forces to conduct security review meetings and the use of section 44 powers should be agreed and the strategy reviewed at this forum. Statistical data on the number of section 44 stops and searches carried out during the period of the previous authorisation (if applicable), including the number of resultant arrests, and if possible charges, under the Terrorism Act 2000 or other legislation should be reviewed regularly and be provided to the Home Office. The table attached at with the form at Annex A provides a template for this information.

Forces should regularly assess the community impact of the use of the powers and discuss their use with Independent Advisory Groups, the Police Authority and other significant bodies. Background details should also be given on how the powers fit into the forces overall anti-terrorism strategy on an ongoing basis and for specific operations. It provides useful contextual information to explain how officers and other resources (eg armed patrols, ANPR, road checks etc) will be deployed and the part played by section 44 powers in supporting these operations.

Forwarding Authorisations to Home Office

Before making a decision on the confirmation of an authorisation, Ministers require as much time as possible to consider the circumstances in each case. Authorisations also go through a two step scrutiny procedure at the National Joint Unit and the Home Office. It is essential that the time between an authorisation being given and the time it is received by the Minister is as short as possible.

The authorising force should inform NJU by telephone that an authorisation has been signed, and NJU should in turn inform the Home Office. Authorisations should be sent to the National Joint Unit immediately after they are given and a contact name and telephone number of the drafting officer supplied. This will enable Home Office officials to clarify any points and include these in their submission to the Minister within a reasonable time.

Short Term (under 48 hour) Authorisations

In certain circumstances, forces authorise the use of section 44 powers for fewer than 48 hours, and in these instances there is no statutory legal requirement for Ministerial confirmation.

It is important that neither the police nor the government leave themselves open to judicial challenge on the timing or appropriateness of such authorisations. There is a statutory requirement that Ministers are informed about an authorisation - regardless of its duration — as soon as is reasonably practicable after it has been given.

In the past short-term authorisations have occasionally been presented to Ministers after the operations to which they pertain have already concluded.

Where a short term authorisation is:

- Part of a pre-planned operation
- Authorised in writing and
- Authorised within office hours,

a copy of the authorisation should be forwarded to NJU immediately and subsequently to the Home Office. In these circumstances, we would expect that a period of two hours constitutes a reasonably practicable amount of time for the force concerned to provide details of the authorisation to the Home Office.

In circumstances where, for whatever reason, a copy of the authorisation cannot be forwarded in time for a Minister to receive it within two hours, details of the authorisation should be conveyed to NJU by telephone immediately after authorisation is made. NJU will contact the Home Office to enable Ministers to consider the details of authorisation even if the written document cannot be provided immediately.

Where a written authorisation cannot be provided immediately and details have been provided by telephone, a written copy of the authorisation should be provided by the force as soon as possible thereafter.

ANNEX A

NJU Reference No:.....

Authorisation to Stop and Search – S.44 Terrorism Act 2000

[To be confirmed by the Secretary of State within 48 hours of time of authorisation]

- S.44 (1) Terrorism Act 2000 []
- S.44 (2) Terrorism Act 2000 []
- S.44 (1) & (2) Terrorism Act 2000 []

1. Force:

2. Type of authorisation: Oral [] Written []

3. Authorisation to run until:

See Notes for Completion

4. Location where powers to apply:

Whole Force area []

Or

Designated area [] *(Please specify – see Notes for Completion)*

Division(s)

Area(s)

5. Reason for exercising S.44 powers:

See Page 2-4 and Notes for Completion

6. Authorising Officer: Authorising Officers must hold **substantive or temporary** ACPO rank. Officers **acting** in ACPO ranks may **not** authorise the use of S.44 powers

Signature:

Print Name/Rank: ..

Time Signed:-	Date Signed:-
----------------------	----------------------

7. Contact Name and Telephone Number:

8. Secretary of State Confirmation:

Date: _____

Time: _____

Explanation of and Justification for geographic extent of authorisation:

[Empty box for explanation of and justification for geographic extent of authorisation]

Ongoing assessment of terrorist threat:

[Empty box for ongoing assessment of terrorist threat]

Summary of Use of S.44 Powers during the most recent period of authorisation.									
Dates:									
Action	Pedestrians		Vehicles			Ethnicity			
			Vehicles	Drivers	Passengers	White	Black	Asian	Chinese/ other
Stops									
Searches									
Terrorism Act Arrests									
Terrorism Act Arrests									
Other Arrests									
Charges									
Property Recovered									

Notes for Completion

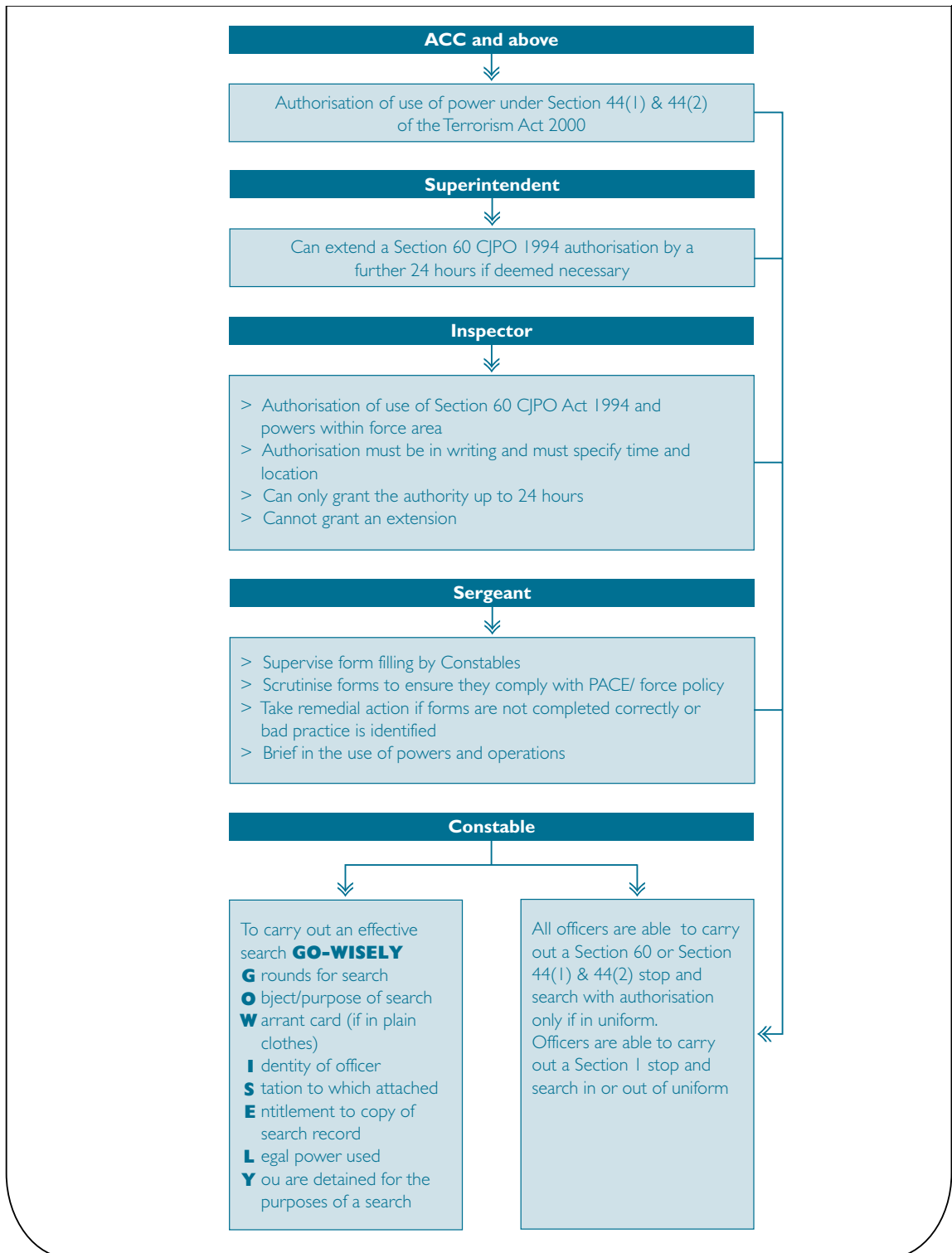
These Notes are intended to be read in conjunction with Home Office Circular (xx) on s.44 TACT 2000 Authorisations

1. *For the purposes of the first 48 hours only* — S.44 authorisations start from the time and date at which they are signed by the Authorising Officer (S.46(1)a TACT). The maximum period of 28 days runs from 0001 on the day of the authorisation NOT from the time at which it is signed (S.46(2) TACT). Where it is intended that the authorisation will run for the maximum period the authorisation will expire at 23.59 on the 28th day.
2. 'Reasons for exercising S.44 power' should set out the specific purpose of the authorisation, e.g. security at a party conference, sensitive sites such as nuclear or biological facilities, state visits etc. The grounds for the authorisation should then be set out under the headings in pages 2 onwards. This seeks to standardise the presentation of the applications without placing any limitations on existing or future reasons for the use of the power.
3. Where it is anticipated that a S.44 authorisation will run for less than 48 hours the application must still be forwarded to the National Joint Unit (NJU) as soon as possible after signature for the information of the Home Office. (*See Home Office guidance notes on S.44*)
4. There may be occasions where it would be helpful to those reviewing the extent of the authorisation for relevant maps etc to be attached clearly showing the area in question. Where it is necessary for the defined area to be explained in detail then it is acceptable for that information to be added as an appendix to the Authorisation.
5. It must be remembered that the S.44 authorisation is a discloseable document and, as such, care must be taken not to include direct reference to matters that could compromise the broader counter-terrorist activities carried out by Special Branches or allied Agencies. To that end there should be no reference to operation names or to classified briefing material unless absolutely necessary — in which case the authorisation should be protectively marked and handled in strict accordance with Government Security Marking Guidelines. It should be noted that a plethora of operation names and references might delay the Home Office confirmation process while they seek clarification of their nature. For instance, it is sufficient to refer to the existing National Threat Level at the time of the application without the need to elaborate on the basis upon which it was reached or the supporting documentation
6. The National Joint Unit is the single point of contact for of S.44 authorisations with responsibility for passing them to the Home Office for Ministerial endorsement. The NJU is also available to provide advice and guidance on S.44 and associated TACT enquiries. The NJU is a 24 hour facility and may be contacted on **020 7230 4084** or via the MPSB Reserve on **020 7230 2175**.

It is essential that the NJU is notified by telephone of a S.44 TACT Authorisation before it is forwarded by Cluster or Fax, as appropriate.

Annex E: Stops and searches

Plain English Campaign's Crystal mark does not apply to this annex





Home Office
BUILDING A SAFE, JUST
AND TOLERANT SOCIETY



dca Department for
Constitutional Affairs
Justice, rights and democracy

Criminal Justice System: working together for the public