



STAFFORDSHIRE
POLICE

Stop and Search

Force Procedure

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1.Introduction

This procedure has notable additions in line with the APP guidance on 'Code of Ethics' and the 'Police Approach to Decision Making, both concepts required for inclusion in most of the force policies and procedures – such as this one for stop and search.

Additionally, there is a section aligned to the searching of transgender persons who may have been stopped by the police and who are subject to a search outside of custody. There is a bespoke Transgender Search Policy which covers the perspective required for consideration both in custody and stop/search outside of the custody environment. The Transgender Search Policy is a complimentary document to this one and should be read in conjunction.

Stop and Search is an effective policing tool to prevent and detect crime. With the advent of Body Worn Video (BWV) we can be transparent with the public that procedures surrounding this police power are exercised responsibly and in line with their expectations.

It is vital officers use all the powers available to them to provide reassurance for those living and working in Staffordshire and officers have the Chief Constable's full support to do so.

Stop and Search is governed by the Police and Criminal Act 1984, Code A to that Act as amended by the Crime and Security Act 2010. ([PNLD- PACE 1984](#)) ([PNLD - Code A](#))

Staffordshire Police policy is to be compliant with the College of Policing Approved Professional Practice (APP) in relation to Stop and Search. ([Stop and Search APP](#)) As we follow the APP as our policy, it is not being duplicated within this document unless deemed suitable to do so. Where Staffordshire Police policy differs to the APP it is detailed within this document.

2.Training

Stop and Search training inputs are contained in all Probationary and Special Constable training courses. In addition, all Staffordshire Police Officers are mandated to complete the latest NCALT training prior to the use of their Stop and Search powers. Officers are directed to the relevant training inputs by regular information releases on Staffordshire Police Intranet. The Operational Learning Unit will provide a NCALT report upon request to the Stop and Search Tactical Lead who can disseminate and action the report details as appropriate. Stop and Search is trained and refreshed in each Officer Personal Safety Training (OSPT) course delivered by the Force. The Force has also created a

Stop and Search Intranet site which contains numerous articles of guidance to assist officers.

3.Code of Ethics

Treating people with dignity and respect

The APP guidance through the College of Policing defines the Code of Ethics. The Code of Ethics sets and defines the exemplary standards of behaviour for everyone who works in policing. All officers and staff must be aware of the framework and should know that they have a personal responsibility to exercise professional judgement so that everyone in policing does the right thing. The Code details a set of principles along with the standards expected of individuals working in the police service.

In terms of the procedural justice approach for stop-search and searching detainees in custody, it must be shown that every person who is dealt with in this way by the police must be treated with the utmost courtesy, consideration and respect.

The evidence shows that dignified and respectful treatment has a significant impact on public confidence. Any search should be conducted to minimise the impact on the person and cause as little embarrassment as possible. Officers must never be disrespectful to members of the public during stop and search (for example, being rude or belittling, or making derogatory remarks).

Even if a person appears confrontational or agitated, officers should make every effort to be polite when speaking to them (for example, greeting them, using their name, thanking them for cooperative behaviour). Being polite can encourage a person to adopt a more positive attitude. Encouraging a person to do something voluntarily, by acknowledging their emotional state and being polite to them, may be more effective and safer than ordering or physically compelling them to do so.

While a person's cooperation should always be sought, the officer should respond in a proportionate manner if they do not cooperate, using the minimum level of force necessary to conduct the search.

Another important element of the procedural justice approach is for officers to demonstrate their trustworthiness. During stop and search and custody detainee search, this could involve officers reassuring a person who is concerned, asking about their wellbeing or offering practical advice – for example, about how to stay safe. Again, doing so can encourage a person to become more positive during the interaction.

The APP guidance on 'Equality and Individual Needs' iterates the principle that detainees come from all areas of the community. They each have their own particular needs and vulnerabilities – some are obvious, others less so. The police service should take all reasonable steps to ensure that these needs and vulnerabilities are identified to help mitigate any risks.

Officers conducting stop-search and officers/staff conducting searches in custody must be aware of the protected characteristics set out in the **Equality Act 2010, Part 2, Chapter One (sections 4-12)**:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

4. Transgender Searching

For full guidance please refer to the Force guidance on 'Transgender Searching' which gives advice on the following:

- Searching transgender persons in custody
- Additional advice for searching transgender persons through stop/search procedures outside of custody.
- Searching of persons by officers and staff who are transgender.

Points to note for officers stopping and searching persons who have the protected characteristic – gender reassignment:

- If a gender recognition certificate is issued to a person under the GRA 2004, the person's gender becomes the acquired gender. In context, 'legal sex' can be different than the 'biological sex' or 'chromosomal sex'.
- State registered marriages in the UK for same-sex couples, and altered birth certificates for a transgender person may have significant implications for data rights.
- The Equality Act 2010 altered the rights of transgender persons in the UK by removing the need for them to be undergoing medically supervised transition – significantly: a person has the 'protected characteristic' of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process for the purpose of reassigning the persons sex...

- The normal protections against direct/indirect discrimination and discrimination by victimisation apply to those persons with the protected characteristic of gender reassignment.
- The **gender reassignment protected characteristic** includes the gender identities of: non-binary, genderfluid, a-gender and genderqueer – where the change of gender identity involves a move away from natal sex.

5. Police Approach and Decision Making

Lawful Arrest after search

Under the Police and Criminal Evidence Act 1984 (PACE), a lawful arrest by a police constable requires two elements:

- A person's involvement, suspected involvement or attempted involvement in the commission of a criminal offence
- Reasonable grounds for believing that the person's arrest is necessary. Both elements must be satisfied.

Officers must always consider whether a person's arrest for an offence is lawful in accordance with section 24 of PACE and necessary under paragraph 2.9 of Code G of PACE.

Diversity and Inclusion – Arrest

In all instances, arresting officers and custody officers must review and monitor the impact of the Public Service Equality Duty (PSED) requirements at the point of arrest and subsequent admissions into custody for persons with protected characteristics. In context, there is a need for all arresting officers, custody officers and custody detention officers to understand the impact of the arrest and detention requirements, and ensure that there is absolute elimination of any discrimination, harassment, victimisation, and any other conduct that is prohibited by the Equality Act 2010.

The NPCC 2018 -2025 Diversity and Inclusion (DEI) toolkit emphasises that regular cultural audits of teams and departments should be made to eliminate discriminatory attitudes, and inclusive and culturally sensitive team/units should be developed. Officers exercising the power of arrest must understand the impact of arresting someone in the community, and therefore should be reflective and sensitive to the need for greater integration, engagement with all communities resulting in enhanced trust and confidence.

Of note for all policies: The College of Policing and the NPCC have produced a **Police Race Action Plan – Improving policing for Black people** which emphasises strongly what the police service must accomplish with its plan to ensure that Black people are

not under-protected, over policed, and not under represented or involved in matters of police governance and dealing with racial disparities. The context and importance of the Police Race Action Plan should be read and understood by all police officers and staff.

De-arrest

If an officer receives information that indicates the suspect is not responsible for the offence for which they were arrested, or the grounds for arrest otherwise cease, the officer must release that person. If a person is de-arrested prior to the arrival at a police station, the officer must record the detail on a STORM serial and within his/her electronic PNB.

If the person is to be de-arrested whilst at a police station, they must be brought before the custody officer where a custody record will be commenced.

Where a person has been arrested or detained solely to prevent a breach of the peace, the detainee must be released once the breach, or potential breach, has ended and is not likely to reoccur.

6.What do we mean by Stop and Search?

The police have a range of statutory powers of Stop and Search available to them, depending on the circumstances. Most, but not all, of these powers require an officer to have reasonable grounds for suspicion that an unlawful item is being carried. The one thing the powers all have in common is that they allow officers to detain a person who is not under arrest in order to search them or their vehicle for an unlawful item.

This procedure deals with the Stop and Search powers governed by [Code A](#) of the Police and Criminal Evidence Act 1984. Stop and search powers under the [Terrorism Act 2000](#) have their own [code of practice](#) and search after arrest under [section 32](#) of the Police and Criminal Evidence Act 1984 is not a Stop and Search power and therefore neither is dealt with in this procedure.

Similarly the powers under [section 163](#) of the Road Traffic Act 1988 to Stop motor vehicles, and under the [Police Reform Act 2002](#) for police community support officers (PCSOs) to search for and seize alcohol and tobacco from young people are not Stop and Search powers and are not currently incorporated into [Code A](#). The legal differences may not always be obvious to members of the public experiencing such encounters, and they may still associate the encounter with having been stopped and searched. Encounters under these powers give rise to the same considerations of fairness and effectiveness as Stop and Search encounters. APP includes these powers in response to Recommendation 6 from HM Inspectorate of Constabulary in its 2015 report, [Stop and search powers 2: are the police using them effectively and fairly?](#)

Other police-initiated encounters that are not dependent on a legal power, i.e., conversational encounters or Stop and Account, may also be seen by the public as falling under the same general label as 'Stop and Search'. These other encounters are referenced in [Code A](#) due to the potential for disproportionate use, but are not subject to the same detailed obligations as Stop and Search.

Biases can have discriminatory effects, whether that bias is conscious (explicit) or unconscious (implicit). Conscious bias is a prejudice of which the person who holds it is aware, e.g. an officer who has a negative or positive view of a particular group. If the officer acts on that prejudice by treating that particular group differently to others, whether to the person's advantage or disadvantage, the result is overt discrimination. Unconscious bias and stereotyping are more difficult to identify and address because people are often unaware of using mental shortcuts to make sense of people and situations that might be new, different or unfamiliar. As these tacit processes are influenced by the person's experiences and background, they will vary between people but may reflect the biases and stereotypes that exist in wider society.

Where a quick decision is required, people jump to conclusions based on prior similar experiences without realising it, instead of carrying out a step-by-step evaluation of the circumstances as they exist. This process affects people's judgements and decisions in all areas of life, with more or less significant impact. It is particularly important to be aware of it in a profession like policing because of its potential impact on individual liberties.

At a practical level, when using Stop and Search powers, officers should focus on basing their decisions on objective factors and ensuring they can explain why they have made the decision, with reference to specific detail. If they can explain their reasoning clearly to someone else, the decision is less likely to be based on unconscious factors. At a more strategic level, senior officers should reflect on how biases and stereotypes may influence their own decision making, e.g. when authorising the use of section 60 powers or the use of passive drugs dogs or knife arches in high-profile operations aimed at prevention. Senior officers should consider the objective basis and potential consequences of their decisions, particularly in terms of officers' practice and the public's experience. Strategic decisions have the potential to produce disproportionate outcomes due to wider societal factors and structural inequalities outside the control of the police. A supplementary NCALT and in-person training addressing these issues has been created to assist officers in this area.

7. Body Worn Video

Staffordshire Police mandates that every Stop and Search encounter is captured on officers Body Worn Video (BWV). This includes officers in plain clothes. Officers conducting duties in plain clothes should ensure a BWV is available amongst their team, so that should a Stop and Search be conducted, one of the team can access the BWV and ensure the encounter is captured.

In line with the BWV policy, the overriding principle is that they are used OVERTLY. It is not sufficient to be in uniform, all operators must announce that they are recording an incident.

If the operator is not wearing clearly overt police uniform then they MUST ALSO ANNOUNCE AT THE SAME TIME AS RECORDING THAT THEY ARE A POLICE OFFICER.

It has to be recognised that there may be times when BWV cannot be used (for example, flat battery). In such instances where a Stop and Search encounter is not captured on BWV, the officer will record the reason why there is no BWV within the Stop and Search record.

All footage of completed Stop and Searches will be retained in line with NPCC retention and disposal schedule 2017. Positive outcome searches are required to be marked as 'evidential' on the database. Negative outcome searches are required to be marked as 'Stop and Search' on the database.

For further information re BWV, please refer to the following associated policies/procedures:

- Body Worn Video - Use and Image Processing
- Assault, Excessive Force, or Damage Allegations.

8.Reasonable Grounds

Officers must ensure they document sufficient detail in their search record as to the reasonable grounds of the search. Information that can assist in justifying the grounds for the search include behaviour of the individual, intelligence, information from the public; all of which can be used to demonstrate the officer's reasonable grounds. Where relevant, officers must also record why a search extends to more than removal of a jacket, outer coat and gloves or exposes intimate parts of the body (strip search).

9.Stop and Search receipt and entitlement to copy of search record

Staffordshire Police record Stop and Searches on mobile devices unless circumstances dictate. These should be completed at the time as the system automatically logs the location of the Stop and Search. If this is not possible, then the record must be completed as soon as possible with the reason recorded as to why it was not done at the time. Officers completing a Stop and Search on a member of the public are required

to allow them to scan the Stop and Search QR Code on the officer's mobile device or to give them a receipt explaining their rights, entitlements and how they can make a complaint if they wish. This is regardless of whether the officer was able to complete a record of the search at the time or not. Receipts have been issued in internal post to every Response Team, Local Policing Team and Operations Team. They are also available on Staffordshire Police Intranet to print. A small number of these receipts should then be carried by every officer in the event a Stop and Search is completed.

The receipts, which can also be [downloaded here](#), explain the rights and entitlements of the member of the public, explain the GOWISELY acronym and what they can expect, and information on how to make a complaint. To help boost transparency and demonstrate proportionate policing, all officers must issue these printed receipts as and when a Stop and Search occurs. This is in addition to existing requirements when completing Stop and Searches, like ensuring the entire procedure is recorded on BWV and uploaded to Evidence.com. All persons searched will be informed of their entitlement to a copy of the record and how they can obtain this. The primary methods for obtaining a copy of the search record are phoning 101 or applying online with the entitlement period being three months.

10. Search involving exposure of intimate parts (EIP) of the body

An EIP search, also referred to as strip search, is the most intrusive form of search permitted under stop and search powers. It should not be a routine extension of the initial search if nothing is found. As with searches involving a lesser degree of intrusion, it must only be used where it is **necessary** and **reasonable**, bearing in mind the object of the search.

Officers identifying a need for an EIP search must consult an officer of at least Inspector rank prior to carrying out the search, to explore the reasons why it is necessary and proportionate in the circumstances. The Inspector's role in this context is to support and encourage good decision making by providing suitable challenge. The officer who identifies the need for the EIP search – and not the Inspector – is responsible for the decision to proceed with the EIP search (having taken due regard of the advice given by the supervisor), unless the Inspector gives a lawful order instructing the officer not to carry out the search. This supervisory guidance and support beforehand, rather than after the fact, aims to protect officers from complaints, ensure the appropriate use of police powers, and reassure the public about the oversight of intrusive searches.

If an officer cannot contact an Inspector within a reasonable timeframe, the officer must balance the need to have the ethical discussion with an Inspector against the need to conduct the EIP search within a reasonable timeframe (one that does not antagonise the person being searched or delay the search for an unreasonable time).

If an officer decides to proceed with an EIP search following consultation with an Inspector, the officer should include the reasons for extending the search as part of the search record, as well as confirming that supervisory consultation took place, with whom and when. If they were unable to contact an Inspector, they should still record their reasons for extending the search, as well as the steps taken to contact an Inspector.

Searches exposing intimate parts of the body must be conducted at a nearby police station or other location out of public view, **not in a police vehicle**.

If a body-worn video camera is available, officers should record the encounter in accordance with force policy, but should cover the camera (or direct it away from the person) whenever intimate body parts are exposed. Audio recording should remain activated.

Code A specifies that searches involving exposure of intimate parts of the body must be conducted in accordance with [paragraph 11 \(opens an external website in the same tab\)](#) of Annex A of Code C:

- The officer carrying out the search must be of the same sex as the detainee.
- The search must be conducted where the person cannot be seen by:
 - anyone who does not need to be present
 - any member of the opposite sex apart from an appropriate adult specifically requested by the person being searched
- Unless there is a risk of serious harm to the person or to someone else, there **must** be a minimum of two persons present in addition to the person being searched. One of those **must** be the appropriate adult if the person is a child or vulnerable adult unless, in the case of a child, the child and appropriate adult both agree that the adult should not be present during the search.
- Proper regard shall be given to the sensitivity and vulnerability of the person, and every reasonable effort should be made to secure the person's cooperation and minimise embarrassment. They should not normally be required to remove all their clothes at the same time. For example, a person should be allowed to remove clothing above the waist and redress before being required to remove further clothing, subject to necessity in the circumstances.
- If **necessary to assist the search**, the person may be asked to facilitate a visual examination of the genital and anal area but no physical contact may be made with any body orifice.
- The strip search should be conducted as quickly as possible and the person should be allowed to dress as soon as it is completed.

Paragraph 11 is clear that, unless there is a risk of serious harm to the person or someone else, an appropriate adult **must** be present for an EIP search of a child or vulnerable person.

If an item that the officer is searching for can be seen in a body orifice other than the mouth as a result of an EIP search, it cannot be seized, as that would constitute an

intimate search. Intimate searches are not permitted **under any circumstance** under stop and search powers.

In addition, following the Children's Commissioner report, Strip Search of Children in England and Wales March 2023, the following must be adhered to:

- An appropriate adult must always be present for strip searches of children, except in the most exceptional situations where there is serious risk to the child's life or welfare.
- Strip searches under stop and search may only be conducted at a nearby police station, medical premises or home address. Schools should be specifically excluded as an appropriate location for a strip search.
- Parents or guardians of children should be informed in advance of strip or intimate searches of children. Where a child refuses to provide information this should be recorded.
- A safeguarding referral should be made whenever a strip search of a child is conducted. This will also take into account the potentially traumatic effect of the strip search on the child. Where a child refuses to provide information this should be recorded.
- Strip searches should not be conducted in front of or by officers of another sex to the child.

11.PCSO's – searches under Section 4, Para 7, Police Reform Act 2002

Stop and Seizes completed by PCSO's for tobacco and cigarettes under Section 4, Para 7, Police Reform Act 2001 will be recorded in the same manner on mobile device Stop and Search forms at the time. If this is not possible, then the record must be completed as soon as possible with the reason recorded as to why it was not done at the time.

12.Recording the Search- Data Users

Non-Mobile data users

When a mobile device/ PRONTO is not accessible, a paper record will be completed, following which the searching officer will need to access NICHE on a desk-based computer and create a new Stop and Search Occurrence linking the Person/ Vehicle Stop and Search record to it. This needs to be done as soon as practicable, and in any case prior to the end of the searching officer's tour of duty. A workflow can then be commenced for the Occurrence to be sent to the officer's supervisor for closure. Once the data has been transferred onto NICHE then all paper forms can be securely

disposed of (APP Management of Information rules applied).

Mobile data users

Officers will complete the mobile data record of the Stop and Search, whether an arrest is made or not, and submit via Pronto accordingly. Supervisors will review all Stop and Searches completed by their officers through completion of NICHE OEL. The supervisor must check the records for content, deployment of BWV and compliance with 'The Codes'. Any deficiencies will be addressed by the supervisor by implementation of appropriate management advice and/ or action.

Intelligence

Whilst not every Stop and Search encounter will have any intelligence value, if the officer carrying out the Stop and Search is of the opinion that there is useful intelligence obtained as a result then the officer must make the appropriate entry on NICHE.

13. Recording outcomes of Stop and Search

The outcome of Stop and Searches must be recorded as part of the search record. Appropriate options are available on the mobile data system or the forms provided. These outcomes are for those known at the time of completing the record. If for instance following a 'Voluntary Interview', which should be recorded, a decision is taken at a later date to take more formal action there is no requirement/ process for amending the search record as initially inputted onto NICHE.

The outcomes that will be recorded are as follows:

- Arrested
- Caution
- Community Resolution
- Detained Sec 136 MHA
- No Further Action
- Other (Please Specify)
- Safeguarding Referral
- Summons/ Postal Requisition
- Suspect Psychoactive Substance Seized- No Further Action
- Voluntary Interview.

A safeguarding referral (Police Protection Notice) must be completed for all searches of juveniles (17 years and under) and persons exhibiting other vulnerabilities e.g. mental health. If the 'Safeguarding Referral' option is selected, an additional section must be completed by the searching officer to explain what action is proposed and required in

order to ensure that the person subject of the search receives the appropriate support as soon as possible.

14.Scrutiny of Search Records and monitoring the impact

Supervisor's checks

There is a requirement for Staffordshire Police to show that scrutiny of Stop and Search is implemented and adhered to. This was previously completed via paper-based Stop and Search forms which were signed by supervisors before being submitted for filing. Supervisors are now required to add an OEL template when they are finalising Stop and Search records via NICHE. This must now be done for every Stop and Search encounter. In addition, at least 10% of all Stop and Search Body Worn Video footage should be reviewed by supervisors when conducting these checks.

Local Policing Team checks

This is of particular importance so that the impact of Stop and Search, both on individuals and communities, can be monitored to ensure that any form of disproportionality is minimised.

Each Local Policing Team Commander, in conjunction with any local partnership arrangements, will be responsible for reviewing Stop and Searches on juveniles and taking any remedial action necessary should any issues emerge. The details of such searches along with Section 60 Searches, Strip Searches, Body Worn Video Not Used, Persons from Ethnic Minority Communities, Frequently Searched Persons, Top Searching Officers and recorded outcomes will be provided to LPT Commanders on a monthly basis to review with relevant partner agencies.

It is vital that the use and impact of Stop and Search is both understood and monitored. As an indication of the Force's commitment to ensuring that the approach is legitimate, and retains the support of our communities, the Strategic Lead for Stop and Search is held by the Chief Superintendent Contact and Response Directorate. In terms of governance the Force Stop and Search Working Group will scrutinise performance data and task out actions where required. Any matters requiring increased focus and/or executive approval will be referred, by exception, to the Service Improvement and Organisational Learning Board (SIOLB).

Independent Public Scrutiny

In order to support the Force's commitment to be accountable and transparent in the way that Policing services are delivered across Staffordshire the Force, will ensure that

they proactively encourage external independent feedback and scrutiny from the public in relation to Stop and Search powers.

The external independent scrutiny of Stop and Search within Staffordshire will be primarily facilitated through the Commissioner's Independent Scrutiny Panel (CISP), who will be provided with access to supporting documentation of individual Stop and Search encounters as well as accompanying Body Worn Video footage. This will allow them to ascertain if it was conducted in accordance with legislation and to ensure that the person was treated with dignity and respect. This will provide formative feedback to the Force as well as examples of good practice.

In addition, the CISP may also review matters referred to them by the Stop and Search Working Group or the Commissioner's Office concerning issues such as disproportionality and Section 60 authorisations.

The Force will also conduct scrutiny through non-vetted examination of 'reasonable grounds' with local community groups, in particular with those that have previously been under-represented.

Retention of Search Records

All records of Stop and Searches will be retained in accordance with the NPCC retention and disposal schedule 2017.

15. Community Feedback – An Overview and Explanation

The Community Feedback forms part of the Forces' openness and transparency in relation to its use of Stop and Search.

What is it?

This is a process which allows members of the community to ask questions about the use of Stop and Search, such as:

- asking for a review of when it has been used
- to provide feedback on its use
- to seek an investigation if concerns are raised
- to give reassurance as to the way Stop and Search is used in their community.

The feedback is designed to ensure we work together to try and resolve any complaints or concerns. The feedback does not replace the complaints procedure, or the opportunity for members of the public to complain to the Performance and Standards Unit or Independent Police Complaints Commission. It can be used by anyone who has

been stopped and searched, anyone who has witnessed it, anyone who is reporting it on behalf of another who has, or anyone who has concerns about the use of Stop and Search.

How can it be used?

To activate the community feedback, the member of the public can either email Staffordshire Police, use social media of the Force's website, telephone 101 or if they are deaf, hard of hearing or speech impaired, key smsdeaf to 07929 302010, visit the Deaf SMS page or write a letter to:

*The Force Stop and Search Working Group,
Staffordshire Police Headquarters,
Weston Road, Stafford,
ST18 0YY*

They will need to provide sufficient information so that their concerns can be assessed and reviewed. Issues can also be reported anonymously.

What will happen next?

The matter will be referred to the senior officer who chairs the Force Stop and Search Working Group, who will assess the best method of addressing the issues raised. The issue may be passed to the Local Police Commander, to the Performance and Standards Unit, subject of a specific investigation, research or action. If contact details are provided, then feedback will be given in all cases, and all issues reported via the community feedback process will be shared (subject to the removal of personal data) to the CISP to ensure further openness and community oversight.

16. Section 60 Criminal Justice and Public Order Act 1994 (CJPO Act 1994)

When a Section 60 Order of the Criminal Justice and Public Order Act is authorised, officers are granted the power to search people in a defined area, during a specific time period, when they believe, with good reason, that there is a threat of serious violence. Staffordshire Police takes the use of invasive powers, like Stop and Search, very seriously, and would like to reinforce the approach that must be taken towards Section 60s across the Force at all times.

The Force is a signatory of the national Best Use of Stop and Search Scheme (BUSS), which places several restrictions on the use of Section 60 and goes above and beyond what is set out in law. This includes:

- Raising the level of certainty needed from officers before authorising a s60 from believing serious violence “may” take place, to “will” take place
- Raising the seniority of officer needed to authorise (Inspector) and extend one authorisation (Superintendent) to senior officer level
- Limiting the duration of authorisations - initial authorisations were restricted to 15 hours, with subsequent authorisations limited to nine and a final 15 hours, totalling 39 hours
- Requiring forces to communicate to the public when an s60 has been put in place, where practicable, and after it has expired.

However, since 12th August 2019, the government has decided to suspend the above conditions, allowing forces to decide how they use these powers and what scrutiny they subject them to. After a review in force, it was decided that we will continue to adhere to some of the BUSS standards and will continue to require a Superintendent to authorise any use of a Section 60 with extensions being authorised by the on-call Executive Officer. In addition, following a scrutiny exercise by members of our Safer Neighbourhood Panels on a recent implementation of a Section 60 in Stoke-on-Trent in August 2019, and in line with the Authorised Professional Practice from the College of Policing, additional procedures must be followed to ensure the use of the orders is proportionate and transparent. These are:

- Where practicable, affected communities must be communicated with before or at least at the start of the order being in place. Engaging with communities beforehand can assist with operational planning and mitigate any community concerns, recognising that doing so may only be practicable with some planned authorisations because of the immediacy of the risk in other, more dynamic, operational situations. Members of the Independent Advisory Group may also be able to offer advice.
- External communications to alert the affected communities to the implementation of the order must be completed as soon as possible after the order is in place. This must be done with the support of Corporate Communications, who can deliver that message in a targeted and sensitive fashion. Engaging communities after an authorisation will allow the Force to mitigate any community concerns and report back the operational outcomes of authorisations and other relevant information (e.g. disproportionality rates and complaints received).

The precise details and implementation of the order and any subsequent searches performed under the order must be detailed on a single STORM log to provide clarity to teams involved and transparency to the operation. Where it is not practicable to complete a record of the search at the time, officers must provide members of the public with a receipt and ensure that a search record is entered on PRONTO as soon as practicable along with the reason recorded as to why it was not done at the time. All searches are to be recorded on the relevant STORM serial by officers at the time of the search, giving a description of the person searched where personal details are not available. Completed authorisation forms should be forwarded to the Tactical Planning Unit for retention.

Comparison table of BUSSS and Code A – authorisation requirements			
	BUSSS standard	Code A standard	Staffordshire Police standard
Authorising officer minimum rank	Assistant Chief Constable or Commander (Above the rank of Chief Superintendent)	Inspector	Superintendent. Extensions to be authorised by on call Executive Officer.
Level of urgency	Necessary – this is also a legal obligation under human rights law	Expedient	Necessary
Incidents involving serious violence	Will take place	May take place	May take place
Initial maximum duration	15 hours	24 hours	24 hours
Extension maximum duration	First extension maximum 9 hours (total 24 hours) Extension beyond 24 hours maximum 15 hours	24 hours	24 hours

A guide for senior officers when authorising a Section 60 can be found below.



Stop Search S60
Aide Memoire.docx

The full legislation for Section 60 of the Criminal Justice and Public Order Act 1994 can be viewed here: <https://www.legislation.gov.uk/ukpga/1994/33/section/60>