

# Quick reference guide - senior officers

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The primary purpose of stop and search powers is to enable officers to allay or confirm suspicions about individuals without exercising their power of arrest (Code A, [paragraph 1.4](#)).

A stop and search where no illegal item is found may still be a legitimate outcome if it is conducted in a fair, lawful, professional and transparent way.

Senior officers should:

- focus on the lawfulness of search activity (in basis and in application), its effectiveness, and its compliance with professional and procedural requirements
- recognise and support good stop and search practices by officers, even where nothing is found
- be guided by the [Code of Ethics](#) and the [National Decision Model](#) in their decision making

## Understand

### Understand disproportionality

Disproportionality in stop and search, including racial and ethnic disproportionality, is driven by a range of factors, both internal and external to the police<sup>3</sup>. Not all of these can be addressed through police action. Closely monitoring any disproportionality can help ensure that its nature, extent, possible causes (for example, deliberate targeting) and consequences are better understood. This may help forces to decide what, if any, police action is required to address it.

See the Equality and Human Rights Commission's [Stop and Think Again](#) (2013) for a number of [key steps](#) that appeared to contribute to a reduction in race disproportionality. They are a combination of improving officer awareness of what constitutes good stop and search practice and stringent monitoring of its use.

## Understand effectiveness

There is very little research on the impact of stop and search on crime<sup>4</sup>.

- General increases in stop and search are unlikely to have much of an effect on crime, although stop and search may have more of an impact in crime hot spots<sup>5</sup>.
- Stop and search may be most effective if used as part of a problem-solving approach aimed at active prolific offenders<sup>6</sup>.
- Given the available evidence on effectiveness, forces should closely analyse the impact of different stop and search powers on a range of crime types to identify how practice could be improved.

## Lead by example

Senior officers should ensure that their own decision making around stop and search is based on objective factors. They should consider the consequences of each decision, for example, in terms of its impact on crime and local communities.

Where, for example, a force requires senior officer authorisation for the deployment of passive drugs dogs and knife arches as part of high-profile stop and search operation, that officer should ensure that:

- any authorisation granted is backed up by intelligence relevant to the likelihood of finding what is being searched for, and that it is not being used merely as a tactic
- officers are fully briefed on that intelligence and how it may contribute to forming reasonable grounds for suspicion

Senior officers should ensure that processes are in place to capture and review any lessons learned.

## Section 60 authorisations

In order to grant an authorisation under section 60 of the Criminal Justice and Public Order Act 1994, the senior officer must reasonably believe that:

- one or more of the permitted grounds applies **and**

- it is necessary to use section 60 powers to achieve a legitimate aim

Code A guidance note 11 states that the senior officer must base their reasonable belief on objective factors, such as a history of violence or antagonism between particular groups, previous violent incidents at particular events or a significant increase in knife-point robberies in a particular area. This emphasises the importance of intelligence-led authorisations.

The scope of the authorisation (duration and geographical area) must also be limited by what is necessary to achieve the legitimate aim.

The precise requirements for a section 60 authorisation may be found on the [legal basis](#) page.

## Enable

### **Ensure that officers and supervisors have an appropriate level of training, knowledge, attitude and skills**

Senior officers are responsible for ensuring that officers and supervisors have the appropriate knowledge, attitude and skills for exercising their powers to stop and search. This should include:

- ensuring that development opportunities are available
- ensuring that stop and search training is undertaken by all officers across the force who use stop and search powers, as well as their supervisors
- ensuring that force training complies with College of Policing national training standards and is based on the best available evidence
- monitoring completion levels of any stop and search training
- considering what additional action may be required at force level to support the training in order to maximise its impact

### **Ensure that officers are fully briefed and equipped to implement senior officer decisions on stop and search use**

When a senior officer authorises a specific stop and search operation, be that under section 60, a high-profile operation involving passive drugs dogs or any other stop and search operation, officers should be fully briefed on:

- any intelligence relevant to the likelihood of finding what is being searched for
- how the intelligence may contribute to forming reasonable grounds

Specifically in relation to section 60, it is the responsibility of the senior officer granting the authorisation to ensure that its purpose is clearly articulated and communicated to officers. This should include briefing officers on the intelligence that underpins the authorisation.

It is important for senior leaders to make clear to staff the force position on conducting searches based solely on the smell of cannabis. How leaders direct their staff in the use of this power to deal with cannabis possession can have a significant impact on public confidence and legitimacy.

## **Issue local guidance if exercising discretion under Code A guidance note 22A**

Code A guidance note 22A offers guidance on monitoring the use of stop and account, and on instances where a person is detained for search but no search takes place. Although there are no mandatory recording requirements for such encounters, guidance note 22A sets out a discretion for forces to direct officers to record the self-defined ethnicity of persons in such cases, where there are concerns that make it necessary to monitor any local disproportionality in their use. Forces may also decide that officers must record such encounters even where there are no particular local concerns, as a measure of reassurance internally and to local communities.

Where a force decides to adopt such a requirement, senior officers should ensure that:

- local guidance is provided
- efforts are made to minimise the bureaucracy involved
- records are closely monitored and supervised

Forces can suspend or re-instate recording of these encounters as appropriate.

This APP suggests that forces may wish to consider using a similar approach for encounters involving:

- persons stopped under [section 163 of the Road Traffic Act 1988](#)
- police community support officer powers under the [Police Reform Act 2002](#)

# Monitor

## Be proactive

Senior officers with local and force-wide responsibilities must proactively monitor the broader use of stop and search powers, and take action where necessary. In the areas for which they are responsible, senior officers should familiarise themselves with the patterns and trends in the data, so that they understand and are able to account for how stop and search has been used. Senior officers must be in a position to articulate their force position with regards to the fairness, effectiveness and proportionality of their stop and search activity at all times.

The extent, nature and frequency of monitoring should be proportionate to local or force concerns. Senior officers may, for example, decide that every stop and search form must be subject to additional supervisory checks, or may commission advanced statistical analysis of the annual stop and search data.

Monitoring may include:

- identifying any disproportionality in stop and search and other encounters, and exploring its possible underlying causes (for example, repeat encounters involving the same person)
- analysing the overall effectiveness of stop and search, such as:
  - the proportion of searches that lead to an arrest or other criminal justice outcome
  - the frequency with which the item searched for was found
  - the possible contribution of stop and search to crime reduction relative to other policing activity
  - mapping stop and search activity against crime
- exploring the extent to which different stop and search powers are being targeted appropriately – for example, towards active prolific offenders, in crime hot spots, against force priorities, and/or based on intelligence and information
- identifying possible community tensions resulting from stop and search practices
- inviting and responding to public feedback on stop and search practices
- for the purposes of compliance with the Best Use of Stop and Search Scheme (BUSSS), examining the relationship between the item searched for and the outcome of the search

## Examine promising or problematic practices

Monitoring at a strategic level should be used by senior officers to identify promising and potentially problematic practices.

- Senior officers should ensure that any problems with the use of stop and search are explored using a range of different sources of information, and that their possible causes are understood.
- Where necessary, they should develop an appropriate response to address the problem and its possible underlying causes.
- Where promising practice is identified, senior officers should have a system in place to ensure that it is cascaded to officers and supervisors.

## Monitor supervisor oversight

Senior officers should also take steps to ensure supervisors carry out their duties effectively in respect of monitoring the use of stop and search by teams and individual officers.

- This could be done, for example, by dip-sampling supervisors' entries on stop and search records, and quality assuring the monitoring and proactive supervision they have carried out. Such action should help ensure that they are taking ownership for stop and search at a more strategic level and that they are providing appropriate oversight, support and challenge.
- Senior officers should focus on issues of greatest community concern – for example, stops involving children, vulnerable people, and Black, Asian and ethnic minority individuals.

## Promote openness

### Data requirements

Comprehensive data from stop and search records must be compiled at force, area and local level.

- The data must be compiled in a way that allows analysis to be carried out for identifying trends and patterns at an area, team and officer level.
- Forces should make the data available to the public on force websites and/or on [www.police.uk](http://www.police.uk).
- Under BUSSS, forces are expected to record and publish a broader range of outcomes, not just arrest. They are also expected to show whether the object of the stop and search is connected to the outcome.

## Enable public scrutiny

All forces should have processes in place that allow members of the public to hold the chief constable to account for the use of stop search powers in their force area.

- Forces and police and crime commissioners (or their equivalents) must make arrangements for records to be scrutinised by community representatives and to explain use of powers at local level.
- The level and focus of public scrutiny should correspond to the level of local concern in relation to stop and search and issues of greatest community concern.
- Scrutiny arrangements should respect the right to confidentiality of those stopped and searched.
- The groups consulted should be representative of their communities and should always seek to include children and young people, both men and women, and an appropriate mix of ethnic backgrounds relevant to the force area.
- Specific arrangements will vary between forces but they should operate in a way that allows the force to provide effective scrutiny.
- The community group should have clear terms of reference and be independent of the police.

The BUSSS requires participating forces to provide opportunities for members of the public to accompany police officers on patrol when they might use stop and search powers, to improve public understanding of the police and contribute to improvements in practice.

- Members of the public who participate in lay observation should have the opportunity to provide feedback to the police based on their observations.
- Each force should complete their own risk assessment for any person (including young people) on patrol under the lay observation scheme.

## Facilitate complaints

The BUSSS requires participating forces to adopt a local complaints policy, which requires the police to explain to local community scrutiny groups how stop and search powers are being used when the volume or nature of complaints reaches an agreed trigger point.

- Each force must involve their local community in the development of the trigger and what volume or nature of complaints would set it off.

- Where complaints are particularly low or a force wishes to achieve a maximum level of transparency, forces may consider treating every complaint as a trigger that requires explanation and scrutiny by community groups.

Forces should develop and make public a policy that:

- ensures that individuals who are stopped and searched are made aware of where to complain
- sets out a straightforward and accessible process
- introduces a threshold above which the police must explain their use of stop and search, primarily to local community groups responsible for scrutinising the use of stop and search

The key points of the policy should be set out in an easy-to-read information leaflet, which can be handed out following any stop and search encounter. The leaflet should be clear and understandable to children as well as adults.

Forces could consider identifying key groups or organisations working locally who may be able to provide support, advice or advocacy to people who would like to complain but are reluctant or find it difficult to engage with the police directly

## Tags

Stop and search