

Quick reference guide: transparent – accurate recording of individual encounters

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First published 29 September 2016 Updated 2 May 2023

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5 mins read

Remember to be guided by the [Code of Ethics](#) and the [national decision model \(NDM\)](#) when recording encounters, in particular the grounds for suspicion.

Applicable to:

- All encounters involving stop and search powers (whether or not requiring reasonable grounds for suspicion) where a person was detained for the purpose of search and a search completed

Mandatory details

You must make a record for each person and each vehicle searched, except where a vehicle and its driver are searched under the same grounds, in which case a single record is sufficient. Make the record straight away if possible, otherwise as soon as you are able. It is also your responsibility to record the data on the force system in accordance with force policy.

The record must always include the minimum details specified in Code A:

- a note of the self-defined ethnicity of the person being searched (if provided) and, if different, their ethnicity as perceived by the officer conducting the search
- the date, time and place the person was searched
- the object of the search (the article the officer was searching for), such as an offensive weapon or bladed article, drugs, stolen property or items for use in theft or criminal damage
- a clear explanation of the **legal basis** for the search (see below for further explanation)
- the identity of all officers conducting the search – where recording the names would cause a risk to the officer or if the investigation relates to terrorism, a warrant or identification number and duty station can be given instead

Remember that Code A does not require the person to give you their name, date of birth, address or any other contact details, and you should be careful not to give the impression that they are obliged to.

Forces complying with the best use of stop and search scheme (BUSSS)

The record should, in addition, state:

- whether or not anything was found
- if it was linked to the reason for the stop and search
- the outcome of the stop and search

APP requirement

This APP also specifies that where a search exposing intimate parts of the body (EIP search) is conducted, the search record should include either:

- confirmation that a supervisor was consulted, who this was and when they were consulted (it is recommended the supervisor is an officer of at least inspector rank)
- the steps taken to consult a supervisor and the reasons why consultation was not possible

Recording the legal basis: general

When recording legal basis, you must record:

- the search power used
- a detailed explanation of why the power was used – what this should include depends on the type of power used, as set out below

If the search was an EIP search, this APP specifies that the explanation should include the reasons why an EIP search was necessary, whether or not these were discussed with a supervisor.

Recording the legal basis: powers requiring reasonable grounds for suspicion

You should describe the reasons prompting you to search the person. This should include:

- any specific intelligence or information and its source
- any specific behaviour by the suspect
- the suspect's answers to any questions asked
- any other relevant information

You should ask yourself if:

- you have provided enough information for someone else to understand your decision
- that information is specific and detailed enough to make it possible for someone else to judge whether a reasonable person would also have suspected a specific individual of carrying a specific item in those specific circumstances

Recording the legal basis: section 60 of the CJPOA

You must record:

- the nature of the power
- the authorisation
- the fact that authorisation was given

Section 60 powers must not be used for reasons unconnected to the purpose of the authorisation. Your force policy may require you to record:

- the reason why the search of this individual is connected to the purpose of the authorisation

Recording the legal basis: powers to search persons when searching premises

Section 139B of the Criminal Justice Act 1988 and section 23(3) of the Misuse of Drugs Act 1971 both require reasonable grounds for the search of premises (and in the case of section 23(3), a warrant), but no prior grounds specific to the individual being searched.

Code A does not specify any recording requirements for these powers, but states that the decision to search a person on the premises should be based on objective factors relevant to the reason for searching the premises.

Your force policy may require you to record:

- the reason why the search of this individual is connected to the reason for searching the premises

Copy of the search record

If the person wants a copy of the search record, you must give them a copy there and then, or a receipt telling them where they can get one.

If they are arrested and taken into custody, it is the custody officer's responsibility to give them a copy, but you should still make the record. If the person is arrested and given street bail, it remains your responsibility.

Applicable to:

- Encounters where a person is initially detained for the purpose of search but not searched
- Section 163 of the Road Traffic Act 1988 vehicle stops
- Police community support officer powers to search for and seize alcohol and tobacco under the Police Reform Act 2002
- Stop and account

You are not currently required by law to complete a comprehensive record of the encounter, but your force may require you to complete a record of ethnicity due to local concerns of disproportionality. If this applies in your force, you should act in accordance with local guidance.

Your force may also have its own additional recording requirements for any of the above.

Tags

Stop and search