

# Stop and search

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## 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. Search after arrest under [section 32](#) of the Police and Criminal Evidence Act 1984 (PACE) is not a stop and search power and therefore not included in this APP.

This APP deals with the powers governed by [Code A](#) of PACE. Stop and search powers under the [Terrorism Act 2000](#) – for example, [section 43](#) and [section 47a](#) of that Act – have their own [code of practice](#) and are not covered in this APP.

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 powers. The APP includes these powers in response to Recommendation 6 from Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) 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 (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.

## When is stop and search used?

Code A ([paragraph 1.4](#)) says:

*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.*

Police officers meet, speak with and informally advise members of the public thousands of times every day. This is the nature of effective community policing and highlights our tradition of policing by public consent.

Where an officer suspects a person is, has been or is about to be involved in unlawful activity, or where they are seeking information about a person's whereabouts and intentions, they may first stop the person and ask some questions so that the person has an opportunity to account for themselves. The person is free to leave at this stage and not obliged to answer the questions.

If the officer has reasonable grounds to suspect that a person or vehicle is carrying an unlawful item, or one of the '[no suspicion](#)' powers applies (a stop and search power where the officer is not required to have reasonable grounds), they may decide to carry out a stop and search. This means that the person can be detained for the purpose of the search. This is not an arrest, but the person is not free to leave until the search is either completed or not proceeded with, and the officer is empowered to use reasonable force if necessary to effect the search. It is therefore a more intrusive process than a stop and account, although not as intrusive as an arrest.

Police interactions with the public generally, and more specifically stop and search encounters, have a more or less restrictive effect on individual rights. Each encounter must therefore be lawful as well as necessary and proportionate. Officers should apply the [National Decision Model](#) (NDM) to actively consider, on a case-by-case basis, whether stop and search is the best response to the particular circumstances they are facing. What are the officer's options for handling the situation, and is stop and search lawful, necessary and proportionate to those circumstances?

Applying the NDM also allows the officer to stop and think about the reasonableness of their grounds in a structured manner before deciding to search. The NDM framework can help the officer to articulate their grounds and decision making on the stop and search form and in their pocket

notebook, affording the officer legal protection in their use of the power.

## Why does it matter how the police use stop and search?

The purpose of the police service includes upholding the law and maintaining the Queen's peace. Stop and search can help to achieve this task where used appropriately and proportionately. If used unnecessarily, unlawfully and/or in an unfair manner, however, it may cause alarm or distress to members of the public and have negative consequences in the longer term that make the police's job harder<sup>1</sup>. For example, it may discourage the public from voluntarily engaging with the police or reporting crime<sup>2</sup>.

Using the powers appropriately means acting lawfully and in a manner that is proportionate to the circumstances. Officers must:

- have reasonable grounds to use the powers
- use them without any bias against, or in favour of, any person or group
- do no more than is necessary to achieve a lawful aim
- follow the correct and proper processes

Appropriate use of stop and search also means officers adopting a 'procedural justice' approach (making decisions fairly and treating people respectfully<sup>3</sup>). Officers should:

- make impartial decisions based on the facts and explain those decisions
- give people an opportunity to tell their side of the story and listen to them
- demonstrate they are trustworthy
- treat people with respect and dignity

## Value of using the powers appropriately

Code A ([paragraph 1.3](#)) says:

*Stop and search can play an important role in the detection and prevention of crime and using the powers fairly makes them more effective.*

The lawful and proportionate use of stop and search by officers, in line with procedural justice, should help to maintain public trust, police legitimacy and policing by consent. Such encounters may also be less confrontational, safer for everyone involved and less likely to result in a complaint, because procedural justice can have a positive influence on people's attitudes<sup>4</sup>.

In general, when members of the public trust officers to make fair decisions and treat them with respect, they are more likely to see the police as legitimate. Legitimacy, in turn, encourages people to cooperate with the police and not break the law<sup>5</sup>. While the public expect the police to take action against crime and disorder, and may be reassured by officers being present and visibly proactive, survey research shows that appropriate use of stop and search is likely to maintain, rather than increase, the level of public trust. In contrast, inappropriate use or misuse is very likely to have negative consequences<sup>6</sup>.

The evidence suggests there is also public support for stop and search in principle, provided it is used appropriately. This support is conditional on how stop and search is targeted, how it is used by officers, officers' attitudes and the reasons they give for exercising their powers<sup>7</sup>. The ability to hold the police to account may also be important for building public support.

Overall, stop and search is more likely to be effective when it is used in a targeted and intelligence-led way against active offenders and when officers' grounds for suspicion are strong<sup>8</sup>.

There is limited evidence regarding the impact of stop and search on crime, and no clear causal link has been found<sup>9</sup>. Nevertheless, searches can and do detect criminals – making a substantial contribution to arrests for some offences – and in some cases may prevent crime. The studies that do point to a potential link between searches and crime suggest, however, that any impact is likely to be small, highly localised and short-lived<sup>10</sup>.

Simply increasing stop and search, without using an intelligence-led approach, is unlikely to reduce crime. It needs to be balanced against the cost to police resources and its potentially detrimental effect on police legitimacy<sup>11</sup>. The evidence suggests that stop and search also tends to be less productive the more the power is used<sup>12</sup>.

## Potential consequences of using the powers incorrectly

Code A ([paragraph 1.4](#)) says:

*Any misuse of the powers is likely to be harmful to policing and lead to mistrust of the police.*

Code A ([paragraph 1.6](#)) also says:

*If the provisions of the Code are not followed during a search to which it applies, any evidence obtained during the search may be open to challenge.*

There are substantial risks associated with stop and search being used incorrectly or inappropriately.

Stop and search powers are sometimes used, or perceived to be used, as a control measure or show of power by the police, rather than being used for the legitimate purpose of finding prohibited items and reducing crime<sup>13</sup>. Use of stop and search in such a way is unlawful.

Irrespective of any underlying reason(s), disproportionate use of stop and search against particular social groups – most notably Black, Asian and minority ethnic groups and young people – may increase their perception that they are being targeted unfairly. This may have an adverse effect on the establishment of a police service that is representative of the people it serves. Where disproportionality results from deliberate bias, it is unlawful.

Negative experiences of stop and search also have important consequences. While satisfaction with being stopped and searched tends to have no impact on a person's trust in the police (the existing level of trust will stay the same), dissatisfaction tends to have a large negative impact<sup>14</sup>. Perceptions of the police making unfair decisions and being disrespectful are linked with lower levels of police legitimacy. This, in turn, reduces the public's willingness to not break the law and cooperate with the police – for example, by not reporting crime or suspicious activity, or not providing information. This is likely to make the police's job harder in the long run.

Children may be more likely to find the experience of stop and search traumatic. This may have long-term effects on their perceptions of the police.

There are also negative implications for individual officers who misuse stop and search powers or use them inappropriately. They may:

- have to justify their actions to supervisors or in court

- be the subject of a complaint
- be the subject of misconduct proceedings
- cause their or their colleagues' case to fail due to unlawfully obtained evidence
- experience more confrontational encounters with the public

An unintended consequence of an officer acting outside their lawful powers of stop and search is that when detaining, searching or otherwise using force during the encounter, they may also be committing an assault.

## What is fair and effective stop and search?

The College of Policing has developed a definition of fair and effective stop and search in collaboration with police practitioners, force senior officers and the National Police Chiefs' Council (NPCC) lead for stop and search.

A stop and search is most likely to be fair and effective when:

- the search is justified, lawful and stands up to public scrutiny
- the officer has genuine and objectively reasonable suspicion that he or she will find a prohibited article or item for use in crime
- the person understands why they have been searched and feels that they have been treated with respect
- the search was necessary and was the most proportionate method the police officer could use to establish whether the person has such an item

**Four core elements** underpin the definition.

1. The decision to stop and/or search a person must be fair.
2. The search must be legal in basis and in application.
3. Interaction with the public during the encounter must be professional.
4. Police use of stop and search powers must be transparent and accountable.

This APP focuses on these four elements to set out how police powers of stop and search should be used.

Code A ([paragraph 1.1](#)) says that stop and search should be used:

- fairly
- responsibly
- with respect
- without unlawful discrimination

Be sure to safeguard and promote the welfare of children.

## Tags

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