



STOP AND SEARCH POLICY

Authorised Professional Practice (APP)

APP is developed and owned by the College of Policing (the professional body for policing) and can be accessed online. It is authorised by the College of Policing as the official and most up-to-date source of policing practice. The range of subjects covered by APP is growing all the time.

It has the same legal status as previous guidance; it is not the law and so, while Police Officers and Staff are expected to have regard to APP in discharging their responsibilities, the status of APP is advisory. There may be circumstances when it is legitimate to deviate from APP, providing there is a clear rationale for doing so.

- This Policy has been checked against APP. Gwent Police has adopted the APP provisions, with supplementary information contained herein, which reflects local practice and the needs of the communities served by Gwent Police.

Those provisions are contained in the APP Module shown below and can be accessed via the home page of the APP website:

- Stop and Search

PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UP TO DATE VERSION CAN BE FOUND ON THE INTRANET POLICIES SITE. A LINK WILL BE PROVIDED ON THE POLICIES SITE TO THE EQUALITY IMPACT ASSESSMENT TO THIS POLICY.

Introduction

- a) This Policy will set out Gwent Police's aims in relation to delivering policing services that are trusted, fair, professional, responsive and caring, through the effective use of Stop and Search powers.
- b) The legal basis for Stop and Account and Stop and Search encounters is set out within Code 'A' of the Police and Criminal Evidence Act (PACE).
- c) There is no longer a national requirement for the recording of Stop and Account encounters, therefore Gwent Police Officers/Staff are no longer required to complete and submit an All Stops form for Stop and Account encounters. Officers/Staff are still expected to use their professional judgement when considering whether to record any interaction with the community in their pocket book where they consider appropriate. Code 'A' of PACE also makes provision for authorisation to be given to resume the recording of Stop and Account encounters where locally there are concerns about their use.
- d) There is still a requirement for all Stop and Search encounters to be recorded. The Stop and Search Procedure provides the detailed process.
- e) Police Officers and Staff meet, chat 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. There is a distinction to be made between an informal chat and where Police Officers and Staff are seeking information about a person's whereabouts, intentions or where the Officer or Staff Member suspects the person is, has been or is about to be involved in unlawful activity. The generic name for these encounters is stop and search, even where a physical search doesn't actually take place. The public tend to include traffic stops in this same category.
- f) The primary purpose of stop and search powers is to enable Officers and Staff to allay or confirm suspicions about individuals carrying unlawful items, without exercising their power of arrest, where the Officer/Staff Member has reasonable grounds for carrying out a search. The primary role of the police is to uphold the law and maintain the Queen's peace. Unfair, unlawful or unnecessary stop searches make this task harder with one of the direct consequences being a reduction in public trust and police legitimacy, and people being more likely to break the law and less willing to cooperate with the police. It also has an adverse impact for the establishment of a Police Service that is reflective of the people it serves. Officers and Staff should be able to provide an informed explanation and not just rely on "reasonable grounds". This will improve the quality of the encounter and ensure that it does not lead to reduced confidence or a feeling of unfairness.

1.0 Aims of Policy

The aim of this Policy is to ensure that Officers and Staff comply with the law and exercise their powers to stop and search members of the public fairly, responsibly, without unlawful discrimination and with respect for the dignity of any person being searched. All stop and search encounters should be intelligence led.

1.1 Aim: Improving Public Confidence

1.1.1 Gwent Police's approach to stop and search will seek to improve public confidence in policing services by:

- Demonstrating to communities the fair and proportionate use of police powers
- Providing reassurance that policing encounters are managed in a way which will not negatively impact on our communities
- Increasing accountability and transparency of police action to local communities through sharing of information on stop and search encounters
- Monitoring the demographics of members of the public that are subject to stop and search encounters, and any disproportionate impact that may be evident

1.2 Aim: Ensuring Legality

1.2.1 Gwent Police will ensure that all stop and search encounters are lawful, through:

- Effective monitoring of all stop and search encounters.
- Robust supervision in the exercising, recording, and evaluation of use of powers.
- Ensuring stop and search encounters are intelligence led, supporting Gwent Police in the prevention and detection of crime.

1.3 Aim: Maximising Effectiveness

1.3.1 Gwent Police will ensure that stop and search powers are used effectively by:

- Utilising available intelligence as the basis for stop and search encounters.
- Monitoring and evaluating the outcomes from stop and search encounters, including arrests made and intelligence gained.

1.4 Benefits:

1.4.1 The intended benefits of this Policy are:

- Increased public confidence in the use of stop and search powers.
- Delivery of policing services that are effective and responsive.
- Exercising of powers that is reasonable, fair and proportionate.
- Greater detection and prevention of crime.
- Reduced criminal activity leading to safer communities.

2.0 The Legal Basis and Legitimate Aims

2.1 The Policy will take account of provisions made under the:-

- Firearms Act 1968
- Misuse of Drugs Act 1971
- Police and Criminal Evidence Act 1984
- Road Traffic Act 1993
- Criminal Justice and Public Order Act 1998
- Terrorism Act 2000
- Anti-Social Behaviour Act 2003
- Violent Crime Reduction Act 2006
- Equality Act 2010

3.0 Human Rights Certificate of Compliance

3.1 The Policy has been checked for compliance with the Human Rights Act; with particular reference to the legal basis of its precepts: the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making processes and outcomes of actions.

4.0 Compliance with The Welsh Language Scheme

4.1 This Policy aims to comply with the organisation's Welsh Language Scheme in terms of dealing with the Welsh speaking public, impact upon the public image of the organisation and the implementation of the Language Scheme.

5.0 Risk Assessment and Health and Safety Considerations

5.1 The Gwent Police Service Dynamic Assessment should be applied as necessary. A training package in the use of risk assessment will be provided to all police personnel if requested or required.

6.0 Identification Section

Policy Title:	Stop and Search
Reference:	205/1 a issue 5
Chief Officer Lead:	Assistant Chief Constable
Service Area Owner:	Chief Superintendent (Head, Neighbourhood Policing and Partnerships)
Department Responsible:	Neighbourhood Policing and Partnerships
Links to other Policies/Procedure:	<ul style="list-style-type: none">• Data Protection• Direction and Control (Complaints)• Firearms• Freedom of Information• Hate Crime• Health and Safety• Independent Advisory Group• Information Security• Interpreters• Licensing• Media• Missing Persons• National Intelligence Model• Operational Safety Training• Pocket Books• Policing Public Sex Locations• Professional Standards Reporting• Ride Along Scheme• Single Equality Scheme• Stop & Search Procedure
Implementation Date:	01 December 2015
Review Date:	01 November 2016