

 Warwickshire POLICE		POLICY
Security Classification	OFFICIAL	
Disclosable under Freedom of Information Act 2000	Yes	

POLICY TITLE	Stop, Search, Safeguard
REFERENCE NUMBER	WP080
Version	1.0

POLICY OWNERSHIP	
DIRECTORATE	LOCAL POLICING
BUSINESS AREA	LOCAL POLICING

INITIAL IMPLEMENTATION DATE	06/05/2022
NEXT REVIEW DATE:	19/02/2025
RISK RATING	HIGH
EQUALITY ANALYSIS	HIGH

Warwickshire Police welcome comments and suggestions from the public and staff about the contents and implementation of this policy. Please e-mail policiesandprocedures@warwickshire.police.uk

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1.0 POLICY STATEMENT

Warwickshire Police recognise that Stop and Search is a sensitive, and at times controversial area of policing, which can affect the vital trust and confidence of our communities.

- 1.1 We understand these powers are intrusive and contentious, therefore the Force is committed to legitimacy, ensuring our use of Stop and Search is fair, lawful, professional, and transparent. The Force will do this through robust governance and monitoring procedures, providing scrutiny, and learning via internal and external arrangements.
- 1.2 Internal strategic scrutiny and governance for Stop and Search is applied via the Legitimacy Board chaired by the DCC, which receives quarterly updates from the Use of Police Powers Board chaired by a Chief Superintendent.
- 1.3 The force and its officers will comply with the law, treat people with respect, be polite and, where practicable, explain our actions and powers to people. We will conduct stops and searches ethically and sensitively, ensuring that community concerns are considered.
- 1.4 Where there is a power it must be exercised in a way that has a positive rather than negative impact on community confidence. To emphasise the point, this document will be made available for public information and scrutiny.

2.0 POLICY OUTLINE

This document outlines the Warwickshire Police policy for Stop Search, providing guidance for the management and use of these powers at strategic and tactical levels.

- 2.1 The policy sets out intelligence-led and human rights compliant practice to reflect our duty to protect and uphold the human rights of our communities whilst ensuring maximum effectiveness against crime and disorder.
- 2.2 The policy is directed at all members of the Warwickshire Police who are involved in the use and management of Stop and Search powers, including police staff with the relevant designated powers and senior managers with responsibility for monitoring and supervision within local policing areas.
- 2.3 The Policy and Procedure will incorporate the approach that recognises Police interactions during Stop and Search encounters present crucial opportunities to not only identify those who are vulnerable, but to take appropriate action to Safeguard those at risk of harm.
- 2.4 A separate Procedure document accompanies this policy, setting out in more detail how Warwickshire Police will exercise Stop and Search powers.

3.0 PURPOSE OF POLICY

Warwickshire Police are committed to protecting our communities from harm and building public confidence. Warwickshire Police is committed to making the most effective use of stop and search powers in the pursuit of community safety and in accordance with the following legitimate aims:

- a. In the interests of national security
- b. In the interests of public safety
- c. The prevention and detection of crime and disorder, and
- d. The protection of the rights and freedoms of others.

Stop and Search is a vital power to enable us to achieve these aims.

- 3.1 The fundamental principle of this policy focuses on 'Quality not Quantity'. The powers must be exercised fairly and impartially, and only on occasions which are both reasonable and proportionate to the prevailing circumstances.
- 3.2 The way we use our powers and conduct ourselves should be done with transparency and open to public scrutiny.
- 3.3 The policy requires positive leadership and commitment from chief officers, managers, and officers conducting stops and searches in respect of their responsibilities for the effective, proper, and sustainable use of the tactic within the terms of the current law, best practice and practical guidance as set out in this document.
- 3.4 All Police personnel need to be supported in the use of the powers and should be encouraged to use them where appropriate. Operational staff and managers must also be aware of the potential discriminatory impact of the use of the powers and be able to demonstrate ethical and focused decision making in their use.
- 3.5 In 2016 the College of Policing commenced the publication of comprehensive National [Applied Professional practice \(APP\) Guidance](#) for all Police Forces and the Public in relation to all aspects of Stop and Search.
- 3.6 APP is based largely on the provisions of [PACE Code A](#), alongside the [Best Use of Stop and Search Scheme \(BUSSS\)](#) and recommendations from reviews of stop and search carried out in recent years by HM Inspectorate of Constabulary, the Equality and Human Rights Commission and the All Party Parliamentary Group for Children.
- 3.7 Warwickshire Police deliver this Policy in alignment with the latest provisions of APP and BUSSS. Local Procedures are set out in the Stop and Search Procedure document that accompanies this policy.

4.0 IMPLICATIONS of the POLICY

Warwickshire Police have produced this policy in accordance with the principles outlined in the Human Rights Act 1998 and the Equality Act 2010. This policy is written with consideration to section 95 Criminal Justice Act 1991 and the recommendations of the Stephen Lawrence Inquiry Report 1999.

- 4.1 This policy also incorporates the principles outlined in the Best Use of Stop and Search Scheme (BUSS) announced by the Home Secretary in her statement to Parliament on 30th April 2014. PACE 1984 Code A provides a code of practice that governs the conduct of officers using any statutory stop search power, and the Code of Ethics as a code of practice under section 39A of the Police Act 1996 (as amended by section 124 of the Anti-Social Behaviour, Crime and Policing Act 2014) underlines the ethical standards required for all policing activities.
- 4.2 Police records, analysis and statistics relating to Stop and Search are publicly available. This policy has been written in accordance with the principles outlined under APP (management of police information) Home Office (2005) Code of Practice on Management of Police Information, the Data Protection Act 1998, the Freedom of Information Act 2000, and the General Data Protection Regulation (GDPR)
- 4.3 Management information will focus on determining qualitative as opposed to quantitative measures and how effective stop and search powers are in reducing and detecting crime.
- 4.4 Officers who consistently use stop and search powers without sound reason may be subject to disciplinary action. All relevant Warwickshire Police staff will be aware of the following key points:
 - a. Stops and searches are a valid tactic against crime and disorder and are supported by the Warwickshire Police.
 - b. Officers are strongly encouraged to stop and talk to the public.
 - c. The number of Stop and Searches of people or vehicles must never alone be used as a performance indicator. The message is Quality not Quantity.
 - d. Revisions to PACE Code A have removed 'voluntary searches'. Searches can only be carried out where a power to search exists in law (unless they are a condition of entry – sports grounds etc.).
 - e. Ethnicity monitoring is a vital and compulsory part of recording street interventions.
 - f. Although not all of the Protected Groups are recorded for the purposes of stop search, the protection of discrimination under Equality Act 2010 applies: Age, Disability, Gender Re-assignment, Marriage & Civil Partnership, Pregnancy & Maternity, Race, Religion & Belief, Sex, Sexual Orientation
 - g. Stops and searches are intelligence focused.
 - h. Research has shown that people who are stopped are more likely to be satisfied if they are treated with respect, dealt with politely and given an explanation.

5.0 PROCEDURE

All local arrangements that sit outside the APP are outlined in the Stop and Search Procedure document that accompanies this Policy, and is reviewed separately.

- 5.1 All officers should be clear on their statutory powers of Stop Search and the legal obligations placed upon them regarding their own conduct and information required to be provided to members of the public prior to using these powers.
- 5.2 Officers undertaking their powers of Stop Search will uphold the highest professional standards in their service to the public within their policing principles and standards of professional behaviour. Officers should make use of the [National Decision Making Model \(NDM\)](#) in considering their use of Stop and Search with the code of ethics at the centre of any decision-making.
- 5.3 The College of Policing National [APP Guidance](#) is regularly updated, and provides all Warwickshire Police Officers and Staff with the latest professional practice for delivering Stop and Search.
- 5.4 A [full index of the content of stop and search APP](#) is available on the College of Policing website, with hyperlinks for quick access to topics of interest within the guidance.

6.0 DOCUMENT HISTORY

The history and rationale for change to policy will be recorded using the below chart:

Date	Author / Reviewer	Amendment(s) & Rationale	Date of Approval / Adoption
Dec 2021	PS Dave Valente	New Policy and Procedure document incorporating the APP Stop Search and local processes.	21/04/2022
Feb 2024	T/Insp Dave Valente	No changes or amendments to the Policy are required. Some changes to the Procedure will be completed separately.	

7.0 CONSULTATION

<i>Chief Officer/Business Lead Consulted</i>	<i>Date Communication Sent</i>
ACC Ben Smith/Ch. Supt Emma Bastone	13th December 2021

This policy will be submitted to the Warwickshire Police Joint Negotiating and Consultative Committee following consultation with representatives from:

- a. UNISON
- b. Police Federation
- c. Superintendents Association
- d. Legal Services
- e. Health & Safety
- f. Equality and Diversity Advisor
- g. Internal Staff Support Networks
- h. Business Information and Compliance and Data Protection
- i. Vulnerability & Safeguarding Team
- j. Strategic Independent Advisory group (SIAG)
- k. Use of Police Powers Board
- l. Legitimacy Board

Following approval from JNCC, this policy will be submitted to Warwickshire Police Executive Board for feedback and signoff prior to publication on the force intranet and internet site.

8.0 ASSESSMENT AND ANALYSIS

The Equality Impact Analysis (EIA), Health & Safety Assessment (HAS) and Risk Assessment (RA) associated with this document are available on request.