



Leicestershire Police

Stop and Search Policy

Policy Owner:	Assistant Chief Constable (Operations)
Department Responsible:	Corporate Services
Chief Officer Approval:	Assistant Chief Constable (Operations)
Date of Next Review:	March 2019

This document has been produced in conjunction with the Leicestershire Police Legislative Compliance Pack

Review log

Date	Minor / Major / No change	Section	Author
May 2012	Major	ALL	Insp Nick Glynn
August 2012	Major	ALL	Ch. Supt. Chris Haward
December 2014	Minor	ALL	Ch. Supt Steph Pandit
August 2017	Minor	ALL	PS Glen Iceton
March 2018	Minor	Monitoring	Ch Supt Streets

Statement

Stop and Search is an important tactic through which police officers can confirm or allay suspicions about individuals without exercising the power of arrest. When employed appropriately and proportionately it can increase community confidence and have a positive impact on reducing the fear of crime. To achieve this Stop and Search must be applied fairly and effectively whilst respecting basic Human Rights as set out in the Human Rights Act 1998 and the Equality Act 2010.

Stop and Search will only be used to:

- a) Detect crime and catch criminals
- b) Prevent criminal offences occurring
- c) To prevent incidents of serious violence
- d) To prevent and detect acts of terrorism

Aims

To ensure Stop and Search activity in Leicester, Leicestershire and Rutland is lawful and in accordance with fundamental Human Rights and the Equality Act 2010. To adhere to the Home Office best use of [stop and search scheme](#).

To achieve this aim all Stop and Search activity must be:

- **Proportionate:** it must be fair and achieve a balance between the needs of society and the right of the individual.
- **Legal:** it must be conducted correctly in accordance with the relevant legislation (see Scope).
- **Accountable:** it must be recorded.
- **Necessary:** it must be justifiable based on the threat and risk presented to the officer and be based on reasonable suspicion (PACE and Terrorism Act) or reasonable belief (CJPOA).
- **Best:** it must be made against the best information reasonably available at the time.

Scope

This policy relates to the use of all powers used by the Police to stop and search individuals or vehicles used by individuals including:

- The Police and Criminal Evidence Act 1984 s1 and s4 and Annex A to Code A
- Misuse of Drugs Act 1978
- Firearms Act 1968
- Road Traffic Act 1988 s163.
- Terrorism Act (2000) s 43 and s. 47A
- Criminal Justice and Public Order Act 1994 s 60.

Legal Basis

All of the above legislation requires the presence of 'reasonable suspicion' except the Criminal Justice and Public Order Act which requires a burden of proof of 'reasonable belief'. The exercise of these powers must therefore be based on a reasonable suspicion or belief that it is necessary to conduct the search to confirm or allay suspicion that a person has a particular article with them or is about to commit an offence.

Reasonable suspicion must never be based on a persons protected characteristics under the Equality Act 2010: ie, age, disability, gender, gender re-assignment, race, religion and belief and sexual orientation can never be considered grounds for stop and search. Likewise the mere fact that a person has previous criminal convictions is insufficient to amount to reasonable suspicion.

To ensure officers treat all people of Leicester, Leicestershire and Rutland fairly and in line with the Equality Act 2010 all stop and search activity must be based on the principles of 'PLAN B' as laid out in the AIMS section above.

Officers will follow the procedures and guidance laid down in the Stop Search Procedure.

Further guidance is available from the College Of Policing Authorised Professional Practice (APP).

Monitoring and Scrutiny

Leicestershire Police are currently members of the voluntary Best Use of Stop and Search Scheme (BUSSS 1.0) and are committed to delivering the requirements of the revised BUSSS 2.0 scheme when it is formally launched later in the year.

The lead officer for Stop and Search is the Assistant Chief Constable (Operations). They will be responsible for the monitoring and implementation of this policy and supporting process.

To ensure the exercise of Stop and Search powers are both fair and effective the following performance information will be monitored on a monthly basis:

- The number of Stop and Search per 1000 black people for every search per 1000 white people.
- The number of Stop and Search per 1000 Asian people for every search per 1000 white people.
- The number of Stop and Search per 1000 'Other' people for every search per 1000 white people.
- The number of Stop and Search per 1000 'White' people for every search per 1000 white people.
- Taken as a whole and by location disproportionality rates
- The total number of Stop and Search by ethnicity, gender and age
- Volumes of different search powers used their locations and what items are found.
- Arrest rate and other positive outcome rates to include comparative equalities data.
- Which officers are using stop search powers and in what volumes

The internal PILOT group chaired by a Ch Supt (Police Intervention, Legitimacy and Organisational Transparency), external Police Advisory Group on Race and Equality (PAGRE), external Coercive Powers Scrutiny Group (formally stop search reference

group) and external Stop Search Reasonable Grounds Panels will critically review the use of Stop and Search powers in Leicestershire and work to:

- Ensure stop and search is used fairly, lawfully and proportionately across the county.
- Reduce race disproportionality in the use of stop and search powers.
- Improve the trust and confidence of all communities in the way that stop searches are conducted.
- Assist Leicestershire Police in the development of stop search policy, procedure and practice.

PILOT group - reviews stop search data from the previous three years and carries out careful analysis to determine any trends or patterns in the conduct of stop and searches to include a wide range of factors such as the location, the officer involved, the ethnicity of the person searched and the outcome of the search. The PILOT group also reviews data in relation to the UOF, Taser and strip search in custody.

Stop Search Reasonable Grounds Panels – Hosted in different locations throughout the Force which are open to the public where members of the public are invited to review the grounds used in 20 stop and search encounters.

Coercive Powers Scrutiny Group – Bi monthly external meeting attended by members of the community with a particular interest in stop and search and the use of police powers. It is chaired by a member of the local community with invited attendees from PAGRE (Police Advisory Group for Race and Equality), representatives of young people's groups and the office of the police and crime commissioner. At each meeting, the group are supplied with data about the use of stop and search and use of force powers across the force and the records completed by officers relating to 20 randomly selected stop and searches. In addition, the group are asked to review randomly selected BWV footage

Body Worn Video

Leicestershire Police have personally issued 1500 Body-worn video cameras (BWV) to all of our frontline officers and staff and we have an expectation that recording is activated whenever coercive powers are used to include Stop Search.

Lay Observers Scheme

We operate a 'lay observers scheme' where we have recruited independent observers to accompany officers during operations and view Body Worn Video footage that specifically use stop and search powers in order that we can seek their views about how the powers were used and how the subjects were treated by officers. We are actively seeking to increase the number and diversity of our observers to ensure they reflect the community that we serve.

Publication of data

We will publish Stop Search data on the force website each month

Review

This policy will be reviewed on a yearly basis to ensure it remains current and in line with developing legislation.